

**WAYS AND MEANS
AND
CONSUMER PROTECTION COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Ways and Means and Consumer Protection Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **March 16, 2004**.

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MEMBERS PRESENT:

Legislator Cameron Alden - Chairman

Legislator Andrew Crecca - Vice-Chair

Legislator William Lindsay

Legislator Lynne Nowick

Legislator Peter O'Leary

Legislator Vilorio-Fisher

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ALSO IN ATTENDANCE:

Mea Knapp - Counsel to the Legislature

Jim Spero - Director, Budget Review Office

Charles Gardner - Director of Consumer Affairs

Ivan Young - County Executive's Office

Bill Faulk - Aide to Presiding Officer

Warren Greene - Aide to Legislator Alden

Ed Hogan - Aide to Legislator Nowick

Frank Tassone - Aide to Legislator Crecca

Tom Isles - Director of Planning

Pat Zielenski - Director of Real Estate Division

Lynne Bizzarro - County Attorney's Office

Basia Braddish - County Attorney's Office

Ken Knappe - County Executive's Office

Jim Burke - Real Estate

All other interested parties

MINUTES TAKEN BY:

Donna Catalano- Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 9:30 A.M. *)

CHAIRMAN ALDEN:

Good morning. Welcome to the Consumer Protection and Ways and Means Committee meeting. We're going to start the committee meeting with the Pledge led by Legislator Lynne Nowick.

SALUTATION

CHAIRMAN ALDEN:

Thank you. I have at least one Commissioner that had indicated that she had to get back to work, and that's Commissioner DeMarzo. You have an appointment, so if you want to come up and make your presentation.

COMMISSIONER DEMARZO:

Good morning. I appreciate you taking my card first. I just -- I'm here this morning to speak in favor of Resolution IR 1168. It is 100% funding for community transportation solutions. It's going to be used for the continuation of a very important program called Project Jump Start, which we work with EAC, whereby, through the State Department of Labor and under these grants we provide used vehicles to temporary assistance recipients and low income residents to enable them to assist and maintain employment.

It's a really important program to help address the transportation problem of this population. It requires that they be working for six months and have a family incomes of less than 200% of the federal poverty level, they have a valid driver's license and that they are a resident of Suffolk County.

The applicant also participates in the cost of the car. While it's a nominal fee of \$50 a month,

which is arranged through Astoria Federal Savings, it gives them a sense of participation in the process. We also were working with the Department of Labor who will get \$140,000 under the grant for the provision of drivers and vans to pick up temporary assistance recipients so they can get to work and educational programs.

The program is 100% federally funded. And it is an important element of the Welfare to Work success in overcoming the transportation barriers here on Long Island. So I would ask for your support today. And if you have any questions, I'd be more than happy to try to address them.

CHAIRMAN ALDEN:

Well, the questions actually are going to take place between ten and about three. I know you want to get back to work very quickly -- I'm only kidding. Any questions? Are you going to be in the office just in case there's something, you know, like, an emergency or if somebody wants to ask something?

COMMISSIONER DEMARZO:

Yes. If there are questions, I'd be more than willing to come here, and -- if it's between ten and three, like, a delivery, if you can get -- no. I can actually assign a staff person to stay here, because it is very important to try to get these grants so that we don't delay the process and have less time to spend them.

CHAIRMAN ALDEN:

The indication is I think we're Pretty good on it. But if somebody does have a question when we get to it, I'll go past it and I'll get somebody to call you, and you can even get a staff person over here. You don't have to keep staff here for this period of time.

COMMISSIONER DEMARZO:

I appreciate that.

CHAIRMAN ALDEN:

Thanks a lot, Commissioner. At this time, we're honored to have the Suffolk County Clerk with us, Ed Romaine. I'd like to ask him to come up. We have the newest member of the Suffolk County Legislature, Elie Mystal, and he is going to be sworn in today.

(OATH OF OFFICE WAS ADMINISTERED TO LEGISLATOR ELIE MYSTAL)

MR. ROMAIN:

Congratulations.

APPLAUSE

CHAIRMAN ALDEN:

Thank you very much, Mr. Romaine. Good job. We have Rich LaValle here, Department of Public Works, Deputy Commissioner.

DEPUTY COMMISSIONER LAVALLE:

Good morning, everyone. I'm here with regard to Into Resolution 1181-04. The department is opposed to this particular resolution, which deals with the title examiners. The resolution extends the period that County space is licensed for use by the title examiners at the County Center Building. This space will not be surplus during construction. The County will be incurring substantial costs if it is necessary to accommodate the title examiners during construction at the County Center.

The department is currently preparing plans for the renovation of the County Center. As of now, the specific schedule really will depend upon the funding. We estimate the funding for the project in the neighborhood of \$30 million, of which we have a very small amount of that presently. The remaining amount would be requested sometime this year. The project itself involves major reconstruction and upgrading of all architectural and mechanical systems in the building. During the process, it will be necessary to relocate personnel, both County personnel as well as any others that are in the building.

Presently we're looking at the possibility to relocate some of those personnel into trailers. Now, the title examiners have to be moved regardless of what we do in the building. And if we were to retain them in some capacity in the building, we estimate that during the course of construction it's going to cost the County about \$450,000 to house them trailers -- relocate them, house them in trailers and provide the necessary services for them in those trailers during that period.

Now, we estimate the time of construction to be about four years for that project. It's going to be a long project because we have to move people around during the course of the project. The initial part of the project will involve the construction of a 21,000 square foot addition to the building to house the County Clerk's Records Unit. And that's space when we build that and relocate that unit, would also be used as swing space as well as the space the title examiners

presently occupy.

LEG. VILORIA-FISHER:

Say the number of the bill again.

CHAIRMAN ALDEN:

1181. Mr. LaValle, can I just stop you for a minute? Did you speak to the Clerk about the bill?

DEPUTY COMMISSIONER LAVALLE:

Yes, Commissioner has about the title examiners.

CHAIRMAN ALDEN:

Now, they there are hold-over tenants, right?

DEPUTY COMMISSIONER LAVALLE:

Right now they're hold-overs. The lease, I believe, has expired or will be expiring this year.

CHAIRMAN ALDEN:

By the time we start construction, right?

DEPUTY COMMISSIONER LAVALLE:

Yeah. The intent is not to put them out of the building or relocate them as soon as construction starts. We anticipate there will probably be a nine month period of time when construction starts before we get to that point, because the initial construction will involve the addition first.

CHAIRMAN ALDEN:

I thought you were going to do the auditorium, like, take a couple rows of seats out of there.

DEPUTY COMMISSIONER LAVALLE:

That's really not directly affected by this resolution.

CHAIRMAN ALDEN:

My traveling to and from Riverhead would be affected by that.

DEPUTY COMMISSIONER LAVALLE:

Well, for the Legislature. Right now I'm dealing with the title examiners.

CHAIRMAN ALDEN:

Right.

DEPUTY COMMISSIONER LAVALLE:

The resolution also indicates the return of the -- of the title examiners to the building would be based on an evaluation by the Space Management Steering Committee, which is fine, but we believe that -- that evaluation should take place sooner than later only because if, in fact, the committee finds that the space is not surplus and should be used for the County divisions or county units, then it would be important for us to design that space accordingly now rather than after construction starts.

So that's an area that should be looked at. Right now the title examiners occupy about 3600 square feet, and that's going to be expanded to 4900 square feet. So if there is an initiative to negotiate a new agreement, the additional space, that agreement should be subject to the addition space that they would be occupying. So essentially what we're saying is this an issue that needs to be discussed further before this resolution proceeds in any way so that really the best interest of the County is served rather than rushing ahead with something that may, in fact, not be in our best interest at this time.

CHAIRMAN ALDEN:

Any questions? Legislator Lindsay.

LEG. LINDSAY:

Richard, it seems the title examiners provide a service to our citizens. And admittedly they are not a direct County service, so the only space that would be appropriate is if it was excess space. So I agree with you that maybe the analysis of space should be done first. But if it is found that there will be space for them in the new facility, couldn't something be worked out where -- I mean, the title examiners now pay rent to us for that space; am I correct?

DEPUTY COMMISSIONER LAVALLE:

Absolutely. My understanding, it runs, I believe, in the neighborhood of \$150,000 a year, I think all the revenues.

LEG. LINDSAY:

So couldn't an arrangement be made, again, if the excess space is found for them in the permanent building for them to pay for the temporary space in trailers while the construction is

ongoing?

DEPUTY COMMISSIONER LAVALLE:

Well, we're indicating that's another \$450,000.

LEG. LINDSAY:

No. But have that prorated that they pay that themselves instead of the County absorbing that. I mean, obviously, if they're not there, they're not going to pay rent to us. But if we have to house them in trailers, you know, why don't they pay for the cost of the trailers?

DEPUTY COMMISSIONER LAVALLE:

I have no problem with them paying for the cost the trailers. We just want to make that information available. And I'm not here to drudge whether they should be in the building or should not. I think that's an issue that needs to be addressed by the Space Management Steering Committee.

LEG. LINDSAY:

It seems to me that the logical way to proceed is to do the analysis of the space first, and if there is going to be excess space in the permanent facility that they would eventually be housed in, that we should maintain their presence during construction and see if we can work out some kind of arrangement that they would pay for the cost of the temporary housing.

DEPUTY COMMISSIONER LAVALLE:

That's an issue that the County Clerk can address together with the County Attorney's Office.

LEG. LINDSAY:

Can we hear from the County clerk now? I mean, I see him sitting in the back and maybe it help clarify the whole thing.

CHAIRMAN ALDEN:

Mr. Romaine, could you come up for a minute? Once again, good morning.

MR. ROMAINE:

Good morning. This resolution was introduced at my request simply because the lease had

expired on -- excuse me, the license agreement had expired with the title searchers, a fact that I brought to this Legislature last December. And we were not able to do anything, except do a continuation. So there's a continuation agreement in place. I'd like to make it more permanent. This resolution does a couple of things, and I'll talk to that.

The resolution has three resolve clauses. The first resolve clause says that the terms and conditions for licensing space in the County Clerk's Office is extended until the renovation of the County Center begins or December 31st, 2005, whichever occurs first. So if DPW is prepared to go, and I spoke -- I haven't seen the architects or the plans of this building in six or seven months. And the reason I raise that question with staff people from DPW when I was looking over the {Bomark} renovations is they don't know if the County Executive is actually going to put the resolution forward to go forward with the renovations is what I was told at the time. If he is, that's fine and this resolution immediately kicks in.

The second resolve clause says exactly what the Suffolk County Administrative Code says. I don't make the determination whether that space is surplus, Rich or DPW doesn't make that determination, the County Executive doesn't make that determination. That determination is made by the Space Management Committee.

And the third thing this does is simply talk about the SEQRA thing. So it only does two things. It says the current conditions, the licensing conditions, that exist are extended until either construction begins or 2005, whichever occurs first. And the second thing it says, in terms of making a determination of whether this is surplus space, we go back to the Administrative Code, and we have a Space Management Committee that will do that. So it only says two things.

As far as what should happen during the construction, you said -- I heard the number 400,000. That's going to be a gut rehab of that building. That building is being gut rehabbed. It would be very difficult to imagine people staying in that building during a gut rehab, nor do I believe that the County should expend public funds for a priority venture by renting trailers. And I would not recommend that. But what I would recommend is if this resolution's in place, at least the title searchers have some permanency in the sense that when construction begins, we can let them know and give them fair warning. I'd like to do at least 60 to 90 days, that construction is about to begin, you have to find a new place. Then after the construction, there is space in the old plans, that space can be used by a whole host of other agencies. We even are recommending a data center.

So that will be a determination of the Space Management Committee, I believe, because even if that space isn't utilized, even if they recommend against utilizing that space for the title searchers, there are other agencies that you certainly could fit in there. The one thing that always disturbs me is that we lease too much space in this County, and don't put people in County buildings that should be in County buildings. I don't think that we're on a different page at all.

DEPUTY COMMISSIONER LAVALLE:

No. Basically, we're talking about the same thing.

MR. ROMAIN:

But I do believe this resolution will give some permanence, because right now there is no agreement in place with the title searchers, and it would give them some degree permanence until construction begins. Or if the County Executive kills the construction of the Riverhead Center by pushing it back several years, it would give them at least to 2005. So at least it does that.

CHAIRMAN ALDEN:

We have several Legislators that just want to ask some questions too. Legislator O'Leary.

DEPUTY COMMISSIONER LAVALLE:

Can I just make a point first?

CHAIRMAN ALDEN:

Go ahead.

DEPUTY COMMISSIONER LAVALLE:

On that first resolve clause, one of the concerns is it extends this until the completion of renovation, which is -- that's what we have a problem with, is the completion of renovation. It should be extended until renovation commences in that area.

MR. ROMAIN:

I'd be happy to do a Scribner's error and change the word complete to commence. And that could be done as a Scribner's error.

CHAIRMAN ALDEN:

Okay. Counsel is making note of that.

MR. ROMAIN:

That way when construction commences, they would be asked to leave the building because we're going to do a gut rehab.

CHAIRMAN ALDEN:

That's what you said before, so it sounds like it was a scribenor's error. Okay. Legislator O'Leary, then Legislator Vilorio-Fisher.

LEG. O'LEARY:

Yes. Good morning. My question to whoever can answer it, either the Clerk or the Deputy Commissioner, currently these individuals number how many, for purposes of just gather a number in our head for displacement purposes? How many title examiners are there?

MR. ROMAIN:

They represent 66 companies. And their space allocation is a four by eight cubicle for which they pay somewhere in excess of \$2200 a year.

LEG. O'LEARY:

Twenty two per?

MR. ROMAIN:

Yes. Each of these companies may have several people work for them. The cubicles basically -- they obviously don't all work in the cubicle at the same time, they're usually searching the records or things of that nature.

LEG. O'LEARY:

So the revenue generated for lease space something is approximately?

MR. ROMAIN:

Approximately about \$150,000 a year.

LEG. O'LEARY:

\$150,000.

MR. ROMAINÉ:

Right.

LEG. O'LEARY:

Was it your statement, Rich, that to place these title examiners in a temporary housing situation, it's going to cost the County \$450,000?

DEPUTY COMMISSIONER LAVALLE:

That's correct. That's what we estimated based on existing space that they would occupy in those trailers.

LEG. O'LEARY:

Is there any language in the existing contract that obligates the County to provide space for these individuals and companies when the building is vacated by them?

MR. ROMAINÉ:

Absolutely not. This isn't even a lease, it's a license agreement. So there's absolutely no language. Plus whatever agreement we had expired as of December 31st, which is why I'm attempting to get some resolution on the record to control them and give them some sense of permanency. In other words, you can stay in this building until construction starts. And at that point, once construction starts, the Space Management Committee would then make a determination whether this should be declared surplus space or not, and they can do the analysis. And as you said, the construction could last up to four years.

DEPUTY COMMISSIONER LAVALLE:

And their particular area, as I indicated earlier, we're not looking to put them out immediately. We don't anticipate that we'll get to that point until approximately nine months after we start construction of the building.

MR. ROMAINÉ:

When do you anticipate to start construction?

DEPUTY COMMISSIONER LAVALLE:

Well, a lot of that is going to depend upon the funding -- you know, the completion of the plans and the actual funding in place.

LEG. O'LEARY:

I have to agree with Legislator Lindsay that perhaps there has to be some consideration given. If the decision is made to locate them in these temporary trailers, that there be some consideration to pay the difference in the actual rent from the 150,000 to 450, the cost of the placement.

DEPUTY COMMISSIONER LAVALLE:

Don't forget now, the County is losing out because that \$150,000 a year that comes in from the title examiners, the County Clerk utilizes it for making repairs and replacing books. So it's -- if the you're looking to balance the 450, the County is losing out. We're basically losing our rent.

MR. ROMAIN:

This is what I would suggest, I would suggest that this resolution be adopted with the scribenor's error in place saying that they have until the commencement of construction, then we could give them notice where they would have to relocate. At that time, once this resolution passes, if this Legislature wants, it can consider a second resolution, what do to with the title searchers during construction, whether you want to provide space for them in trailers or whether you want to suggest that they rent space in downtown Riverhead, which is less than five minutes away by car.

LEG. O'LEARY:

Okay. Thank you for that clarification.

DEPUTY COMMISSIONER LAVALLE:

It needs to be as generic as possible, because we're not sure at this point when construction would start and when those periods would fall in. It just relates that at the start of construction in their area.

MR. ROMAIN:

But it would give me the authority to continue the licenses, because right now, the licenses, there's no authority for any licenses to be in place whatsoever. So all we're doing is continuing the old agreement until construction starts. And if for some reason the County Executive

decides not to put forward a resolution to start construction this year, then we just continue it to 2005, and we say whichever occurs first. It would give us some legal cover regarding license agreements, because right now, there is no license agreement, they expired.

CHAIRMAN ALDEN:

Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

Before I get to the question that I had been hoping to pose to.

Mr. LaValle, I'd just like to ask Counsel a couple of questions regarding this. Mr. Roamine was here last month regarding that issue of licensing, what was in that resolution? Could you just refresh my memory, the resolution regarding the licensing of the title searchers and the extension of the license agreement? And if you recall, the issue then was the bidding process as to the lottery that had been in place and extension of the --

MR. ROMAINE:

The County Executive's Office drafted a resolution without speaking to me. In fact, to this day, I have not spoken to either the County Executive or his Chief Deputies of the Chief Budget Office. In fact, the last --

LEG. VILORIA-FISHER:

But my question was to Counsel.

MS. KNAPP:

Honestly, without having that resolution in front of me, I would hesitate to respond. I don't remember the content of it, but I do remember that it was a County Executive resolution and that Mr. Romaine opposed it. If you give me a few minutes, I'll going back and try to find it and come back with it.

LEG. VILORIA-FISHER:

I was just trying to refresh my memory. We can look at it later, because this issue of licensing agreement and a continuation of those -- that licensing agreement is -- it would seem to me on the face of it to be rather complex. And I believe we should at some point today before we vote on this take a look at what all of the issues are involving this. The second question I also have to Counsel is the structure of this resolution, we have a resolved followed by a first resolved.

That seems to be peculiar structure to a resolution, Counsel. Why would we have that?

CHAIRMAN ALDEN:

We didn't draft it. Perhaps Mr. Romaine could tell us and answer that question.

MR. ROMAINE:

There are three resolved clauses there, and how they're numbered really doesn't affect the outcome. The first resolve says that since there isn't a license agreement in place, we're going to --

LEG. VILORIA-FISHER:

I understand that. Why isn't it called the first resolved?

MR. ROMAINE:

Probably it was a typo.

LEG. VILORIA-FISHER:

Okay. There seems to be a few problems with this resolution. I would really -- I think it probably would need to be tabled.

CHAIRMAN ALDEN:

We're not debating it right now. What we're doing is just talking to the people up here.

LEG. VILORIA-FISHER:

But while we have the author here at the table, I would say that we should be looking at number -- you know, the structure of the resolution. You already determined that the wording was incorrect where it says the completion rather than the initiation or the commencement.

MR. ROMAINE:

Commencement. That was a scribenor's error.

LEG. VILORIA-FISHER:

And the resolves are not constructed correctly. Also said that the first resolved is an issue that is already in our County Chart, that is indeed the Space Committee that does determine surplus space. So it's really redundant to include it in a first resolve. Probably it should be in a whereas.

MR. ROMAINÉ:

The reason it was put tin was because the County Executive took just the opposite position.

LEG. VILORIA-FISHER:

Well, if you're representing that it's -- and I don't want to get between discussions or differences that you may have with the County Executive, I'm talking about the procedure in what -- how our -- how resolutions are presented and constructed.

MR. ROMAINÉ:

The procedure in the Charter.

LEG. VILORIA-FISHER:

Well, if it's a Charter --

MR. ROMAINÉ:

The procedure in the Charter --

CHAIRMAN ALDEN:

Actually, I'm going to cut off this right now. I'm going to ask you to stay around for a little while, then when we debate the bill, I'll bring you both back up, then we can actually get into it.

LEG. VILORIA-FISHER:

I have a question for Mr. LaValle, however.

CHAIRMAN ALDEN:

Mr. LaValle is going to wait, right?

LEG. VILORIA-FISHER:

Well, I still have the floor, Mr. Chair. I'd like to finish my questions.

CHAIRMAN ALDEN:

Well, actually, we're ending up debating a bill that is going to be debated in a few minutes. I have a lot of stuff on the agenda, and I'd rather go that way. If you have one question, go ahead.

LEG. VILORIA-FISHER:

I'm not debating the bill, I'm asking questions.

CHAIRMAN ALDEN:

One quick question, go ahead.

LEG. VILORIA-FISHER:

Mr. LaValle, you had mentioned -- and my question actually originally had regarding the \$450,000 cost too us, and you actually responded to part of it, which was that we can't see the \$450,000 as the full reimbursement that we would need. We need to see that above -- over and above what we are now receiving from these licenses.

DEPUTY COMMISSIONER LAVALLE:

Well, I would think it's in the County's benefit to do that. That's something that has to be negotiated, obviously. I think that's important to the County.

LEG. VILORIA-FISHER:

At this point, what kind of provisions are being made for County employment -- employees during the construction? I may have missed that in your introduction.

DEPUTY COMMISSIONER LAVALLE:

There's several things going on at the moment. The major initiative would be the construction of the 21,000 square foot addition to the building for the record storage. That record storage, when that's completed, then the area that it presently occupies would be opened up for swing space. The other area that would be open up for swing space is the title examiner's area, because they're going to have to move permanently, they're not going to stay in the same area. And there's area in the south wing there that's occupied presently by units from the Health Department that are going to be relocate in the old infirmary in Yaphank. So there's a number of areas that are going to be opened up during construction so we can move people out of the areas that will be renovated so they are not in the midst of the work that's going on. We're also -- as I said, one of things we're looking at now is the possibility of putting some units in trailers in areas where we might not be able to work around them or move -- relocate them back and forth.

LEG. VILORIA-FISHER:

These are County employees?

DEPUTY COMMISSIONER LAVALLE:

Yeah. In other words, what we don't want to do is move units two and three times. We want to just move them once out of the area and then be able to move them back in or move them to another area wherever they are being reassigned.

LEG. VILORIA-FISHER:

For the least amount of disruption to the department.

DEPUTY COMMISSIONER LAVALLE:

That's the intent.

LEG. VILORIA-FISHER:

Okay. So there would be some use of trailers whether or not --

DEPUTY COMMISSIONER LAVALLE:

There could be. That determination has not be made as yet. That's some of the things we're looking at is trying to reduce the impact to the County employees as much as we possibly can. And that's another reason why the project is running, we anticipate, four years plus, because of the relocations and trying to work around everybody. And it's a major problem trying to do that.

LEG. VILORIA-FISHER:

Now, when you say we're working on that, do you mean DPW or the Space Committee or both?

DEPUTY COMMISSIONER LAVALLE:

No. Department of Public Works. This has nothing to do with the Space Committee at this point. The space Committee will only get involved to evaluate the title examiners' space.

LEG. VILORIA-FISHER:

I see.

DEPUTY COMMISSIONER LAVALLE:

Per this resolution.

LEG. VILORIA-FISHER:

Now, the Clerk has indicated that there is some indication that the County Executive has represented that this project may not go on, are you aware of that?

DEPUTY COMMISSIONER LAVALLE:

No. But that's -- that could be true of any resolution we submit -- when we submit a request for appropriation. Obviously, there is a far bigger picture than just Public Works moving ahead with a particular project. So at this point, I couldn't tell you what exactly that situation would be.

LEG. VILORIA-FISHER:

It is in the Capital Budget as a project, and do you know what kind of rating it had?

DEPUTY COMMISSIONER LAVALLE:

It's in the Capital Program funding this year. I don't recall the rating.

LEG. VILORIA-FISHER:

So it is in the Capital funding?

DEPUTY COMMISSIONER LAVALLE:

Yes, it is.

CHAIRMAN ALDEN:

Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Thank you.

CHAIRMAN ALDEN:

I'm going to ask that -- you're done? Okay, good. Because otherwise I would schedule a special hearing into this after the committee meeting. All right. We're going to do right now is we have three public hearings on. We have Public Hearing Number 1137. I'm going to ask the Clerk's office or a representative of the Clerk's Office was publication made of the notice of the meeting?

MS. JULIUS:

Yes, Mr. Chairman.

CHAIRMAN ALDEN:

And you have all the documentation that it was officially made?

MS. JULIUS:

Yes.

CHAIRMAN ALDEN:

Thank you.

PUBLIC HEARINGS

1137-2004. Adopting Local Law No -- 2204, a Local Law to amend County Consumer Protection Policy for recipients of gift certificates, and/or gift cards. (LINDSAY).

CHAIRMAN ALDEN:

I don't have any cards of anybody that's asked to speak on this, so I'm going to turn to Legislator Lindsay, he is the sponsor of the bill.

What's your pleasure?

LEG. LINDSAY:

I'm going to ask that the -- that resolution be tabled for the time being.

CHAIRMAN ALDEN:

You want to keep the hearing open?

LEG. LINDSAY:

Yes. Keep the hearing open, please.

CHAIRMAN ALDEN:

Okay. So we'll recess that hearing. All those in favor? Opposed? That hearing stands **RECESSED**. When did you want it recessed to, to the next committee meeting or the General Session.

LEG. LINDSAY:

To the next committee meeting.

CHAIRMAN ALDEN:

To the next Consumer Affairs, Ways and Means meeting. So we have unanimous. Okay.

1194-2004. Adopting Local Law No -- 2004, a Local Law to further strengthen the County Code of Ethics. (BINDER)

CHAIRMAN ALDEN:

1194. I'll ask the Clerk's office, was that publication notice --

MS. JULIUS:

Yes.

CHAIRMAN ALDEN:

And you have all the documentation for that?

MS. JULIUS:

Yes.

CHAIRMAN ALDEN:

Thank you. 1194, Legislator Binder's. I don't have any cards on that. Does anybody want to speak on that bill?

LEG. CRECCA:

I'll make a motion to close.

CHAIRMAN ALDEN:

Motion to close by Legislator Crecca, seconded by Legislator Nowick? All those in favor? Opposed? That public hearing is **CLOSED**.

1197-2004. Adopting Local Law No -- 2004, a local law to amend Local Law No. 34-1987 to permit seizure of vehicles of unlicensed home improvement contractors. (ALDEN).

CHAIRMAN ALDEN:

Was notice of publication provided to the public on that?

MS. JULIUS:

Yes, Mr. Chairman.

CHAIRMAN ALDEN:

And you have all the documentation?

MS. JULIUS:

Yes, I do.

CHAIRMAN ALDEN:

Thank you. We have three cards. And the first one is John Stype.

You have five minutes.

MR. STYPE:

My name is John Stype, and I'm the President of Suffolk County Independent Agents. I'm also a partner Neefus Stype Insurance Agency from Aquebogue. I'm here to talk on Resolution 1197. The reason why I'm here is our past President, Steve Rivers, he saw that was going to be reviewed at the Legislature here today, and he got in contact with Legislator Nowick about possibly coming -- somebody representing the association coming here to speak to you.

I'm here to talk to you in regard to the insurance crisis that is out there for contractors in general. Over the last five years, the market has been getting substantially worse. Insurance companies have been hit with high losses, companies have been pulling out. There's been like Reliance, Royal and Kemper that have been going out of business. CNA has been having financial problems and so has Atlantic Mutual, which just has recently been bought out by One Beacon. There's only a couple of markets that are out there currently, and one of them is Essex, another one is Cirius.

The problem that we have in being an independent agent is to go and try to find markets for these contractors or artisans like a plumber that come to us. The problem that they're having with insurance is the labor law issues -- this is what insurance companies are having problems with is the Labor Law in New York State of 240 and 241 has to do with the height. If someone is

on a ladder and they fall down and get hurt, they have -- there's strict liability on the property owner and then the property owner is then being sued. And this in turn is causing problems with the insurance companies having to pay large settlements and then pulling out of the market place.

We have seen contractors, their premiums go up by at least 100%, if not to 300%. Our state association and also the local association from here in Suffolk, we go up to Albany every February to go and speak to Legislators to see what can be done with this issue. I don't know if the insurance crisis is a cause for contractors not to be licensed, but it is a major problem with their overhead. And I just wanted to explain that to you today that with the insurance crisis that we're having here, specifically in New York State, on the liability issue that it's a problem with all contractors. I just wanted to state that.

CHAIRMAN ALDEN:

Thank you. Any questions? Legislator Lindsay. Just before we start, it doesn't really relate to the bill, because if you are contractor and you don't have insurance, you are in violation of the law. And if you don't go and get your license because you can't get insurance and you go out and practice your trade, you are in violation of the law. So, you know, it's two separate things. I appreciate you bringing it, you know, to our attention. I appreciate that. Legislator Lindsay.

LEG. LINDSAY:

That basically was my question. How would you view this bill having an impact on contractors in general? Would this -- just by virtue of us passing this, would this raise the rates on all contractors?

MR. STYPE:

No. This would have nothing to do with rates, insurance rates, for a contractor. The reason why I'm here is just to state what the problems are that they are having. And we're seeing that with the contractors out there, because of the cost, they're going without insurance. And when you have concern jobs that require a million dollars liability or \$2 million liability, the contractors are having a problem coming up with that money to do it, you know, to fund that policy. So that's the --

CHAIRMAN ALDEN:

Legislator Nowick.

LEG. NOWICK:

This is more for the sponsor of the bill. Maybe you could just -- just quickly tell me exactly what the bill entails, just so I understand it.

CHAIRMAN ALDEN:

If you're a contractor and you don't comply with Suffolk County Law and get a license, and you are caught breaking the law, which is a misdemeanor, your vehicles and your tools can be seized.

LEG. NOWICK:

When you say caught breaking the law --

CHAIRMAN ALDEN:

Right. If you're out there doing a job in Suffolk County as a contractor, and you don't have a Suffolk County license, that's a misdemeanor. It's a criminal offense.

LEG. NOWICK:

Okay. So that means anybody that is working on anyone's home, if they're caught and they don't have a license, somebody reports them and they don't have a license, then the County would come and seize their vehicle?

CHAIRMAN ALDEN:

Well, no. First they would be arrested and they'd be prosecuted. And part of the that process would be the seizure of their vehicles and tools.

LEG. NOWICK:

Okay. I see.

CHAIRMAN ALDEN:

Which can be sold off by the County and go into a victim's restitution fund.

MR. STYPE:

Also, to get a license, you have to have the insurance, which is -- that's where whole thing comes from too.

CHAIRMAN ALDEN:

Exactly.

LEG. NOWICK:

These are for all contractors of all sorts; home improvement, plumbing.

CHAIRMAN ALDEN:

Whatever requires a Suffolk County license, if you don't have it, you're breaking the law, and they would be subject to this law also.

LEG. NOWICK:

Thank you.

CHAIRMAN ALDEN:

Thanks a lot. Next up is Robert Kocis.

MR. KOCIS:

I'm Robert Kocis. I own a firm called LIREMODEL.COM based in Huntington here in Suffolk County. I am a licensed general contractor in support of this bill. I'm here just to see if we can amend that or add to it. One little point that kind of hits home with me, I am also a victim of my insurance rates skyrocketing over 400% in the last year for myself. I believe I had spoken with a Warren Greene from your office with respect to my position. One -- I think the basis of this whole bill is to protect the constituents of the County of Suffolk from unscrupulous contractors or unlicensed contractors.

One alternative means to assist that would be to force the local rags, which would be the Penny Savers, the little advertising medias to mandate that they put their license number and insurance card on their advertisement. Here we have these publications such as the Carrier News, the Penny Saver, etcetera, etcetera that are generating revenue by match-making these unlicensed contractors to the constituents. A simply requisition to mandate that if you are going to accept dollars for advertising, if I was, you know, running the Carrier News, that all I have to do is just say send me over a copy of your insurance and a quick copy of your Suffolk County Home Improvement License, which would eliminate any unlicensed contractors from advertising in these types of publications, which should hinder that match-making between those homeowners and unlicensed contractors.

CHAIRMAN ALDEN:

that was a great point. It was pointed out to me too that some of them actually advertise in

there that they're licensed and insured and don't have any license and don't have any insurance. So I think it's a great point that you're making. Thank you for bringing it to us.

MR. KOCIS:

It's just something to assist with that.

CHAIRMAN ALDEN:

Any other -- Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

Mr. Chair, I'm a little bit confused about the impact of this local law as well because of the questioning. Now, you began your statement by referring to your insurance costs. Will this particular law affect people's insurance costs?

MR. KOCIS:

If the -- you know, the basic theory is that a lot of the carriers are pulling out of Nassau and Suffolk County by providing insurance here. So what's it's doing is it's limiting the amount of insurance companies that are underwriting home improvement general liability insurance. By forcing those people who are in the trades to buy insurance, market forces reasonably would state that if you have more people consuming liability insurance, the rates should drop, kind of like gasoline, you know, demand. So the theory would be that, yes, the liability should come down if more home improvement contractors are buying it.

LEG. VILORIA-FISHER:

But how does this law affect that?

CHAIRMAN ALDEN:

This law would require more people to go out and get insurance and get their licenses. So technically, if it did go by supply and demand, you would have more people looking for the insurance.

LEG. VILORIA-FISHER:

So you're saying if there are more people licensed --when you are licensed, you are required to have insurance, so you would raise the number of people getting insurance indirectly.

MR. KOCIS:

That's the theory.

LEG. VILORIA-FISHER:

Okay. I was just missing that link as to why -- but you are saying that it would lower your insurance. I'm confused.

MR. KOCIS:

I would like to think it would because there would be more people -- the irony here is that a licensed landscaper, a guy mowing your lawn, could legally take a Suffolk County license and advertise a \$200,000 dormer, second floor addition on one's home using that same license. So there's a couple of defects in the whole process here, but at least by taking a mandate and a position here to make sure that we eliminate anybody from advertising their trades who are unlicensed could mitigate our -- you know, the consumers of Suffolk County from being ripped off by unlicensed contractors. So I mean, this is just one small piece of a larger puzzle here.

LEG. VILORIA-FISHER:

Thank you.

CHAIRMAN ALDEN:

Legislator Nowick.

LEG. NOWICK:

I have a question also. I'm not sure who to direct this at, maybe it's more Consumer Affairs. And just for the record, what I've noticed as an insurance broker, rates never go down. Just like taxes, real property taxes, they never go down, so don't hold your breath. But maybe more for Consumer Affairs, when you are speaking about the law of someone holding a license --

CHAIRMAN ALDEN:

Actually, Legislator Nowick, if you can wait, we're going to, you know, debate it. He's just up here to answer questions. Thanks. All right. Any other questions of this gentleman? No. Thank you very much. We have Kelly Platt. Good morning. You have five minutes.

MS. PLATT:

Thank you. My name is Kelly Platt. I reside in Center Moriches. I just want to say thank you for introducing this law to protect consumers of Suffolk County. As you are aware from the last meeting of February 10th, I did testify in reference to a contractor who actually built my home,

who's also an unlicensed contractor to do home improvements. Also, at the February 24th Legislative Meeting, I did testify and submitted evidence of a letter stating that this contractor does do home improvements, but yet he is not licensed within Suffolk County to do home improvements. I just want to say thank you for introducing this law. And I'm hoping that this all passes unanimously among the Legislators here. Thank you.

CHAIRMAN ALDEN:

Any questions of Kelly? Thank you very much for coming down. I'm going to make a motion to close.

LEG. O'LEARY:

Second.

CHAIRMAN ALDEN:

Seconded by Legislator Nowick. All those in favor? Opposed? That hearing is **CLOSED**.

Charlie, if you have one minute, Legislator Nowick had a question. If you can come up.

LEG. NOWICK:

Good morning, Commissioner.

DIRECTOR GARDNER:

Good morning.

LEG. NOWICK:

Just for my information and for everybody here, when the County requires a license of whether it's a home improvement or an electrician or a plumber -- I'm trying to think of how to word this. If a home improvement owner is licensed and he hires out ten people to do the work, do each one of those ten people have to have a license or do they go under the license of the owner of the home improvement?

DIRECTOR GARDNER:

The work is performed under the licensees responsibilities. So the -- you might have one employee or 100 employees, but it is the license holder that assumes all responsibilities for the job.

LEG. NOWICK:

So in other words, you can have an electrical store, and the electrician -- there's one electrician in the store, he is the owner, he has a license.

DIRECTOR GARDNER:

A master electrician for instance.

LEG. NOWICK:

Right. Now, he goes to someone's home with four other electricians, do those -- those four do not have to have a license, he comes under the umbrella of the owner's license.

DIRECTOR GARDNER:

They are working under his or her master electrician's license.

LEG. NOWICK:

Okay. Thank you.

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. LINDSAY:

Charlie, we just discussed 1197 about the seizure of vehicles.

DIRECTOR GARDNER:

Yes.

LEG. LINDSAY:

Why don't you weigh in on it although it isn't -- you wouldn't do the enforcement if this law passed, right?

DIRECTOR GARDNER:

Well, the hearing process we would be involved in. There is one request or recommendation that we have asked for in the law, and that is in section six the wording be changed from shall to may, because the law does require that if someone's vehicle has been seized for the first offense, it must be returned to the owner of the vehicle. So while this law is certainly -- would

be additional tool that we can use for unlicensed home improvement contractors, we feel that if the law -- if the wording was changed from shall to may, we could then seize whenever we make that determination that's it's necessary, but also that we would not have to.

I mean, we issue violations in four and 500 per year as far as unlicensed home contractors and home improvements contractors. And the great majority of them within a couple of days have come in, gotten a license, done what they had to do, taking a test perhaps. It's the repeat violators that we are most concerned about, and those are the people -- the law says if it's the second offense, then the vehicle will be seized and auctioned off. We just have a concern that the seizure of hundreds of vehicles, the great majority of which would ultimately be returned is just going to add to us as far as storing, managing, administering, keeping track of all those vehicles. When in the end, we're going to have to return them anyway.

LEG. LINDSAY:

So you think that one change would -- from shall to may would make this more workable?

DIRECTOR GARDNER:

Definitely. In our opinion, yes.

CHAIRMAN ALDEN:

Legislator Lindsay, when we end up debating the bill a little bit -- I had a couple of conversations with the District Attorney's Office, and they prosecute now for million of dollars worth of white collar fraud that's perpetrated on people, people go to jail over this. So I might make some changes and allow them that tool and really -- because Charlie, his division is very, very stretched as far as us adding more things to him. He's not getting any more people. So it might be something that the District Attorney's Office would use.

DIRECTOR GARDNER:

It would not preclude us from seizing a vehicle upon a first offense. You know, there are always circumstance. But it would also not mandate that we have to seize every single time we come across an unlicensed home improvement contractor.

CHAIRMAN ALDEN:

Legislator O'Leary first.

LEG. O'LEARY:

Thank you. Charlie, as you well know, I had this conversation with you, I had some inquiries in my district office regarding the licensing of new home builders. And clearly, there's a difference between the new home builder and the home improvement contractor. And you eluded to the difference being that one of legal representation during the process of having a new home built.

DIRECTOR GARDNER:

That's correct.

LEG. O'LEARY:

Could you just amplify on that as to why. Because there is a mind set that perhaps we should pursue looking to license new home builders as opposed to the licensing of the home improvement contractors. Can you just differentiate between the two? I mean, I know a new home as opposed to home improvement. But basically, if I understood you correctly in our conversation, it something to do with legal representation.

DIRECTOR GARDNER:

Well, it has to do certainly with legal representation. It is an argument, a discussion, a controversy that has been around since the day that the home improvement contracting law was passed by the Legislature. Originally, new home builders were included back 27 years ago when it started, and it has on occasion arisen again every so often since then.

The biggest difference is that for new home builders and those who purchase new homes, we are talking about a process that involves buyer's attorneys and seller's attorneys and escrow accounts and title searchers and appraisals and mortgagees and bank attorneys and closing, and really the -- and contracts that are supposedly perused and reviewed and affirmed by all of those parties. Most of us in the room have been involved with closings.

And, you sign, sometimes you sign your name 48 times, you're supposed to be reading everything that you sign and your attorney is supposed to be making sure that whatever is contained in any of those terms and conditions and certainly in the main contract and escrow accounts, etcetera, money that is supposed to be held for a certain period of time after the closing and not given to the seller until everybody is satisfied, that happens, it happens every day of the week. The biggest difference with home improvement contracting is that for the most

part people on their own, and that is why the County stood up for and has gotten involved in the licensing of home improvement contractors. When I say people are on their own, we have people who come across large sums of money through whatever, various means, wills, retirements, they take out home equity loans, they get the money from one place.

They then do business with home improvement contractors, sometimes unlicensed. It's a one on one situation. For the most part the home improvement contractors know a heck of a lot more about what's going on than the person getting ready to sign that contract. We can get involved in and do get involved all the time in those contracts and making sure that the terms and conditions of that contract are enforced.

Generally speaking, lawyers don't get involved on the part of the home owners in a home improvement contract. They do them by themselves, and the County steps in if problems arise. Sometimes the -- it doesn't go 100% in the consumer's favor, nor in the contractor's favor, but we get involved in helping out. That's the main difference, in that a new -- oh, and also, remember new home builders, you then have the towns that get involved with the building departments and the COs and the permits.

And as far as -- we've all seen foundations that get dug out and they're tarred up and people wonder, how come it's like a week it's been like. What are they doing? They're waiting for the inspector to come around and make sure that that foundation has been properly water proofed. Then it gets back-filled and filled in, and then after that, same thing with the electric and the plumbing that's involved. There are many, many different agencies that get involved in new home building and new home sales.

And that's why it would be like an extra burden -- then you would be asking us, meaning Consumer Affairs Investigators to go back into a sale that may have taken place two or three years ago and start pulling out contracts and talking to attorneys and title companies and banks and etcetera. That's mainly why the County has chosen not to do licensing of new home builders.

LEG. O'LEARY:

Thank you for that edification.

CHAIRMAN ALDEN:

Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

Good morning. How are you? Thanks for coming down. Actually, I was so distracted by Legislator O'Leary's question that I almost forgot the question that I had wanted to ask you regarding this. Yes, it was about seizure. As you know, the seizure of vehicles regarding other issues has been contested and challenged in courts.

DIRECTOR GARDNER:

Yes, ma'am.

LEG. VILORIA-FISHER:

How are we in this law protected from that type of legal challenge? Is there a fair hearing when the -- and in this case, it would be a vehicle that was used for someone to be able to earn a living. So how are we protected?

CHAIRMAN ALDEN:

Actually, Charlie is not a lawyer. So if you want, direct it to Mea Knapp or myself, who are lawyers. We'll answer.

LEG. VILORIA-FISHER:

Well, he is shaking his head vigorously as if he has an opinion.

CHAIRMAN ALDEN:

If you have a legal opinion, go ahead, Charlie, I'm all ears.

DIRECTOR GARDNER:

Not a legal opinion, but just that we basically have no comment on that part of it. Certainly we are aware of the recent unconstitutionality question concerning the seizures of vehicles. Our office, between the County Attorney and the Legislative -- assuming that that gets straightened out, let's say, as far as the hearing process and due process, we'll let the other people, Legislative people, take care of that. Enforcement wise, our biggest concern was shall and may, but as far as the rights of the individual and due process, we'll leave that to our legal offices.

LEG. VILORIA-FISHER:

Okay. I'll leave that question for our Counsel for later so that -- but I do want to follow up on

Legislator O'Leary's questioning, because I do have a bill looking for licensing of new home builders in Suffolk County. And so it's very pertinent with regard issues that we've been discussing here. I thought that a critical comment you made was contract are supposedly perused by the other parties involved. And so that's supposedly is a very critical word, because sometimes the consumer isn't protected to the level to which that consumer should be protected. And what we're looking for in the bill that I had worked on with Counsel is a further protection to the consumer. Now, the licensing --

DIRECTOR GARDNER:

May I make a comment just on that?

LEG. VILORIA-FISHER:

Sure.

DIRECTOR GARDNER:

My comment on that is when we're talking about new home builders, I guess you should never say never, but I cannot think of a time when in this particular type of a sale or process that that contract -- that buyer is not being represented by an attorney. That's the big difference.

LEG. VILORIA-FISHER:

Yes, I understood that.

DIRECTOR GARDNER:

It's not that we're saying that, you know, the consumer or the buyer of the new home, listen, you have to read all that, you have to read that contract, you have to understand all the terms and conditions, etcetera. That's what they are paying an attorney for at closing. And it's the attorney -- so our fear is what are we going to do, go back into something, pick out a contract, then start picking at the attorney and saying, well, you should have done this, you should have known this, you didn't ask that question, you didn't verify that. That's the attorney's job.

LEG. VILORIA-FISHER:

What we're looking for is licensing. That's not the bill you are here to talk about, I was just curious as to what you had responded to Legislator O'Leary with. Thank you very much. I'll be speaking about this with you at another time.

DIRECTOR GARDNER:

Very good.

LEG. VILORIA-FISHER:

Thank you.

CHAIRMAN ALDEN:

Thanks, Charlie. Okay. We have one card for the public portion, and that's Margaret Bermel. And she wants to speak about 1167. So, Margaret, come on up. Good morning.

MS. BERMEL:

Good morning, Chairman Alden and members of the committee. My name is Margaret Bermel. I'm from Suffolk County Department of Labor. I'd like to comment in reference to IR 1167, to approve the lease of existing vehicles. The Labor Department currently leases vehicles to operate the Labor Department's grants programs.

Thirty six vehicles are on a 36 month term, and 15 vehicles are on a short term, two month lease for the summer Youth Program. The 36 vehicles are used for job development, monitoring youth programs, education and training, classrooms monitoring and transportation for participants for YCC Crews, Suffolk Works Crews and the Community Solutions Program. Three of the vehicles will be assigned to Community Solutions for a transportation program for which funds will be accepted and appropriated in IR 1168. The 15 short term vehicles are for the annual summer program to transport youths to work sites.

The cost of vehicle is allocated to all programs. Eighty five percent of the cost is incurred by grant funds with the remaining 15% the County cost. The County cost for the vehicles is 44,000 annually. Federal regulations categorize the lease cost as an allowable expense. Grant funds are made available for transportation components of grant programs. Leasing is preferential to buying because the grant programs are often limited term programs. Buying vehicles would then require the disposition of the asset and the end of the program.

The flexibility of the lease is better suited to accommodate the grant terms. As the term expires, bids are placed for replacement vehicles if necessary. No new vehicles have been added. Since 2001 the fleet has been reduced by six vehicles. The fleet was reduced by four vehicles in January and by another two vehicles in the previous two years. The vehicles were in

place prior to the adoption of Local Law 20-2003, which was filed with the Secretary of State on July 10th, 2003. The purchase requisitions for the replacement of the existing vehicles were entered on July 1st, 2003. The funding for the vehicles was included in the 2004 adopted budget.

As the vehicles were included in the 2004 budget and no new vehicles were being added, the department believed that we were in compliance with the local law requirement of approval of vehicles via resolution. Fifteen of the vehicles which came off the lease at the end of 2003 were purchased by the Legislature as authorized by the 2003 Omnibus Resolution 33rd clause. The initial lease had included an option to buy, which was included at the request of the Budget Review Office. Purchase requisitions are entered at the begin of every calender year to authorize payment for the cost during that year. The purchase requisition is required even though the lease is in progress. The vehicles are currently being used, however, the two vendors are not being paid because the purchase requisitions have been placed on hold pending the outcome of this resolution. Thank you.

CHAIRMAN ALDEN:

Good timing. Any questions? Okay. Thank you very much.

MS. BERMEL:

Thank you.

CHAIRMAN ALDEN:

All right. We're going to start the agenda.

TABLED RESOLUTIONS

1010-2004. Adopting Local Law No -- 2004, a Charter Law to reduce number of County Legislative Districts to eleven. (CARACCIOLO)

CHAIRMAN ALDEN:

We have Resolution 1010. I haven't really had any conversations with the sponsor of the this bill. Last time he asked me to table it, so motion to table by Legislator Vilorio-Fisher, seconded by myself. All those in favor? Opposed? Okay. That one is **TABLED. (VOTE:6-0-0-0).**

1012-2004. Directing Office of Legislative Budget Review to audit legislative vehicles. (CARACCIOLLO)

CHAIRMAN ALDEN:

Motion to table by Legislator Vilorio-Fisher, seconded by myself. All in favor? Opposed?

TABLED. (VOTE:6-0-0-0).

1039-2004. Establishing Commission to study alternative form of County government. (Binder)

LEG. VILORIA-FISHER:

Motion to table.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **TABLED. (VOTE:6-0-0-0).**

1067-2004. Establishing review policy for honest documentation of campaign expenditures by Suffolk County Board of Elections. (COOPER)

LEG. CRECCA:

I'm sorry what number?

CHAIRMAN ALDEN:

1067. Motion to table by Legislator O'Leary, seconded by Legislator Crecca. All in favor? Opposed? **TABLED. (VOTE:6-0-0-0)**

1081-2004. Reforming County sick leave pay policy for exempt employees via cost containment. (COUNTY EXEC)

CHAIRMAN ALDEN:

Motion to table by Legislator Crecca, seconded by Legislator O'Leary All in favor? Opposed?

LEG. VILORIA-FISHER:

Opposed.

CHAIRMAN ALDEN:

Legislator Vilorio-Fisher is opposed. Okay. **TABLED (VOTE:5-1-0-0) (Legis. Vilorio-Fisher - opposed).**

1090-2004. Sale of County owned real estate pursuant to Section 72-h of the General Municipal Law, Town of Southampton. (COUNTY EXEC)

CHAIRMAN ALDEN:

And we have an explanation. And we have the new Director of Real Estate, welcome.

DIRECTOR ZIELENSKI:

Thank you.

MR. BURKE:

This is a sale at the request of the Town of Southampton for a small, very small, piece of property that's landlocked. It's in the Agricultural District in the Town of Southampton. They will be paying us the back taxes, the County's investment on the property.

LEG. CRECCA:

Why was it tabled last time?

CHAIRMAN ALDEN:

For information purposes. Motion to approve by Legislator Vilorio-Fisher, seconded by Legislator Lindsay. All those in favor? Opposed? **APPROVED. (VOTE:6-0-0-0).** Thank you.

INTRODUCTORY RESOLUTIONS

1098-2004. Designating Bill of Rights Day in Suffolk County. (CARPENTER)

CHAIRMAN ALDEN:

Motion by Legislator Nowick, seconded by Legislator Crecca.

LEG. CRECCA:

On the motion.

CHAIRMAN ALDEN:

On the motion, Legislator Crecca.

LEG. CRECCA:

I did not have a opportunity to review this bill before the meeting and was wondering what a Bill of Rights Day is. You know, of course, being a Republican, I'm worried about a Bill of Rights Day. No, I'm kidding.

MS. KNAPP:

Other jurisdictions have celebrated a Bill of Rights Day. It simply designates the same day every year. And as soon as I find the resolution, I'll tell you what day it is.

LEG. CRECCA:

I have it.

CHAIRMAN ALDEN:

We envision much celebrating and setting off of, you know, fire crackers and things of that nature.

LEG. CRECCA:

It's celebrating December 15th, 1791, as the day the Bill of Rights was ratified. And Counsel, I don't need a further explanation. So thank you, though.

CHAIRMAN ALDEN:

Do you maintain your second?

LEG. CRECCA:

Yes, I do. I maintain my second wholeheartedly.

CHAIRMAN ALDEN:

All those in favor? Opposed? **APPROVED. (VOTE:6-0-0-0).**

1104-2004. Authorizing certain technical corrections to adopted Resolution No. 992-2003.

CHAIRMAN ALDEN:

Explanation from Counsel. Is anyone here from the County Executive's Office?

LEG. VILORIA-FISHER:

It's a number on a tax map, is that all it is?

LEG. CRECCA:

No. Has to do with a --

MR. SPERO:

The bill just changes a Cap Project Number from Project 7437.110 to 7437.111.

LEG. CRECCA:

Do you know what that technical -- do you know what the technical change is?

MR. SPERO:

That's the technical change. It just changes the Capital Project number.

LEG. CRECCA:

It doesn't change anything of substance?

MR. SPERO:

No.

LEG. VILORIA-FISHER:

Motion to approve.

CHAIRMAN ALDEN:

Motion to approve by Legislator Viloría-Fisher, seconded by Legislator Lindsay. All those in favor? Opposed? That's **APPROVED. (VOTE:6-0-0-0)**

1106-2004. Appropriating funds in the 2004 Capital Budget and Program in connection with the back file conversion and web-enablement of all land records. (PRESIDING OFFICER)

LEG. CRECCA:

Motion.

CHAIRMAN ALDEN:

Motion by Legislator Crecca, seconded by Legislator O'Leary. All those in favor? Opposed?

APPROVED. (VOTE:6-0-0-0)

1107-2004. Amending Section 636-1 of the Suffolk County Administrative Code authorizing and empowering the Clerk of the County of Suffolk to appropriate overpayments to the Office of Suffolk County Clerk. (PRESIDING OFFICER)

CHAIRMAN ALDEN:

Motion by Legislator O'Leary, seconded by Legislator Crecca. All those in favor? Opposed? It's

APPROVED. (VOTE:6-0-0-0)

LEG. VILORIA-FISHER:

Explanation, Counsel.

CHAIRMAN ALDEN:

You want 1107?

LEG. VILORIA-FISHER:

1108 -- I'm sorry, 1107.

CHAIRMAN ALDEN:

1107, okay.

MS. KNAPP:

This amends the section of the County Code to allow for the appropriation of excess funds up to \$15 -- up to \$30, and I believe it was \$15.

LEG. VILORIA-FISHER:

We need to change the County Code to go from \$15 to \$30?

MS. KNAPP:

Yes.

CHAIRMAN ALDEN:

All right. The vote stands. 1107 was approved.

1108-2004. Amending the 2004 Capital Program and Budget and appropriating funds for the offsite access of public records.

(PRESIDING OFFICER).

LEG. CRECCA:

Motion.

CHAIRMAN ALDEN:

Motion by Legislator Crecca, seconded by Legislator O'Leary. All those in favor? Opposed? 1108 is **APPROVED. (VOTE:6-0-0-0).**

1109-2204. Amending the 2004 Capital Program and Budget and appropriating funds for the replacement of outdated PC's.

(PRESIDING OFFICER).

LEG. CRECCA:

Motion.

CHAIRMAN ALDEN:

Motion by Legislator Crecca, seconded by Legislator O'Leary. All those in favor? Opposed? **APPROVED. (VOTE:6-0-0-0).**

1114-2004. Sale of County owned real estate pursuant to Local Law 13-1976 Barbara A. Rontondi. (COUNTY EXEC)

CHAIRMAN ALDEN:

Explanation, please.

MR. BURKE:

This is a direct sale. The approval was for \$4500. We have one bid for adjacent land at \$4500. It's a small piece 60 by 29, regular piece adjacent to the winning bigger

LEG. LINDSAY:

I'll make a motion.

CHAIRMAN ALDEN:

Motion by Legislator Lindsay, seconded by Legislator Viloría-Fisher. All those in favor? Opposed? **APPROVED. (VOTE:6-0-0-0)**

1115-2004. Sale of County owned real estate pursuant to Local Law 13-1976 Jesse Warren and Susan Warren, his wife. (COUNTY EXEC)

MR. BURKE:

Similar -- same thing. It's a direct sale. One bidder winning at the appraised value of \$9000 for a piece adjacent to their property.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:6-0-0-0).**

1116-2004. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under section 46 of the Suffolk County Tax Act Robert Gordon and June Assent, as joint tenants with rights of survivorship. (COUNTY EXEC)

CHAIRMAN ALDEN:

Explanation.

MR. BURKE:

Timely redemption. Straight forward. Normal --

CHAIRMAN ALDEN:

As of right.

MR. BURKE:

As of right.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:6-0-0-0).**

1117-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Gardiner Cowles III. (COUNTY EXEC).

MR. BURKE:

Same, Mr. Chairman, as of right and timely redemption.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:6-0-0-0).**

1118-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Evans Balfour. (COUNTY EXEC).

MR. BURKE:

Same, timely redemption.

CHAIRMAN ALDEN:

Okay. {Motion **APPROVED**}. **(VOTE:6-0-0-0).**

1119-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Robert C. Moreland Jr. and Patricia M. Moreland, his wife. (COUNTY EXEC).

MR. BURKE:

Same, normal timely redemption, as of right.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:6-0-0-0).**

1120-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Susanne Lynn Foley, as Executrix of the Estate of Margaret Louis Foley a/k/a Peggy Foley. (COUNTY EXEC).

MR. BURKE:

As of right redemption, Mr. Chairman.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:6-0-0-0).**

1121-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Nicholas Lembo, executor of the Estate of Frederick J. McCaskey. (COUNTY EXEC).

MR. BURKE:

Timely redemption, as of right.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:6-0-0-0).**

1122-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Dorothy S. Hickey. (COUNTY EXEC).

MR. BURKE:

As of right redemption.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:6-0-0-0).**

1123-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Armin Martensen. (COUNTY EXEC).

MR. BURKE:

As of right redemption.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:6-0-0-0)**

1124-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Bernard Woischnik and Brigitte Woischnik, his wife. (COUNTY EXEC).

MR. BURKE:

As of right redemption.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:6-0-0-0).**

1125-2004. Authorizing the Director of the division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Islip, Suffolk County Tax Map No. (0500-376.00-01.00-024.000) pursuant to Section 40-D of the Suffolk County Tax Act. (COUNTY EXEC)

LEG. LINDSAY:

I'll make a motion.

CHAIRMAN ALDEN:

Motion by Legislator Lindsay, seconded by Legislator Viloría-Fisher. All those in favor? Opposed? **APPROVED. (VOTE:6-0-0-0).**

1126-2004. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Islip, Suffolk County Tax Map No. (0500-376.00-01.00-026.000) pursuant to Section 40-D of the Suffolk County Tax Act. (COUNTY EXEC)

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:6-0-0-0).**

1122-2004. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Islip, Suffolk county Tax Map No. (0500-376.00-01.00-032.000) pursuant to Section 40-D of the Suffolk County Tax Act. (COUNTY

EXEC)

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:6-0-0-0).**

1128-2004. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Islip, Suffolk County Tax Map No. (0500-376.00-01.00-033.000) pursuant to Section 40-D of the Suffolk County Tax Act. (COUNTY EXEC)

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:6-0-0-0).**

1129-2004. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Islip, Suffolk County Tax Map No. (0500-376.00-01.00-034.000) pursuant to Section 40-D of the Suffolk County Tax Act. (COUNTY EXEC)

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:6-0-0-0)**

LEG. VILORIA-FISHER:

Mr. Chair, I'd like to make a motion to place various resolutions on the Consent Calender beginning from the 1114.

CHAIRMAN ALDEN:

You want to them all at one time, because some of the other ones we come to can go on the Consent also.

LEG. VILORIA-FISHER:

But the following one wouldn't.

CHAIRMAN ALDEN:

If we wait until after the agenda, then I'll entertain your motion. We'll go through the whole thing.

1131-2004. Amending the 2004 Operating Budget and allocating fees collected from Title Examiners utilizing County facilities.

(PRESIDING OFFICER)

LEG. CRECCA:

Motion.

LEG. O'LEARY:

Second.

CHAIRMAN ALDEN:

Motion by Legislator Crecca, seconded by Legislator O'Leary. On the motion, Legislator Lindsay.

LEG. LINDSAY:

I'll go along with the motion to approve just as long as the corrections are made in the resolution.

CHAIRMAN ALDEN:

I should have stated that there were sribenor's errors in there that have been indicated.

LEG. CRECCA:

It's not this one. That's a different bill you are talking about. This is a completely different bill.

CHAIRMAN ALDEN:

I stand corrected. So it's 1131.

MR. KNAPPE:

I just want to --

CHAIRMAN ALDEN:

Just identify yourself for the record.

MR. KNAPPE:

Kenneth Knappe, County Executive's Budget Office. And I just want to state on the record that this is using the pay-as-you-go funds. I believe that the Legislature amended their bill that struck the pay-as-you-go fund with about 500,000 remaining. I believe there is sufficient money for this, however, I do not know now what's going forward in the other committees. And perhaps maybe the Budget Office and Budget Review can work on it to make sure we're not oversubscribing from the same set of offsets. There was, I believe, two resolutions that were passed out of the committee at the Budget and Finance meeting last Tuesday. I know one for West Nile for 275,000. I'm not 100% sure if the second bill was a corrected copy or if it's still using pay-as-you-go as an offset. But we had one bill for at least 275 of the remaining 500,000. So with the passage of this bill, it would be awfully close to our 500,000.

LEG. CRECCA:

Jim. Jim Spero.

MR. SPERO:

I think the second bill Ken is referring to is one submitted by Legislator Cooper, which uses 53,000 as the offset. And he is correct, that was tabled, I believe.

LEG. CRECCA:

I believe it was tabled in Budget and Finance.

MR. SPERO:

Anyway, if the O'Leary bill and this bill pass, there won't be sufficient funds to adopt the Cooper bill.

LEG. CRECCA:

Wasn't this supposed to be changed, this bill, to bonding?

MR. SPERO:

Those were two other resolutions.

LEG. VILORIA-FISHER:

I'm sorry. Mr. Chair.

CHAIRMAN ALDEN:

Who had the floor, Legislator Crecca?

LEG. CRECCA:

Yeah. I'm going to make a motion to discharge without recommendation on 1131. I'm going to change my motion, I withdraw my motion to approve. Change it to a motion to discharge without recommendation.

CHAIRMAN ALDEN:

Do we have a second?

LEG. O'LEARY:

Second.

CHAIRMAN ALDEN:

Second by Legislator O'Leary. On the motion, Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

Since we are currently involved in very serious and lengthy discussions on budget issues, and pay-as-you-go is a major component of those budget discussions, it would seem to me that this - it would be more prudent to table this for at least one cycle so that we can see where we fall with regard to budget items. This is hefty, it's 4175,000 that we're using from the pay-as-you-go fund. And I believe that we should table it at least one cycle and take a look at where we land with all of the budget issues that we're discussing.

LEG. CRECCA:

If I can respond to that.

LEG. LINDSAY:

I second that.

CHAIRMAN ALDEN:

Legislator Lindsay, then Legislator Crecca.

LEG. LINDSAY:

First of all, I want to second that tabling resolution (sic). And maybe Legislator Crecca could help but, as I recall, at the Budget Committee meeting, there's two competing bills to restructure the budget, but both of them want to capture the money that's been allocated for pay-as-you-go. So whichever one succeeds, it's obvious that we're not going to have substantial pay-as-you-go amount -- budget. And I thought we had a discussion at least about prioritizing the remaining -- we only have like \$500,000 -- to prioritize some of the most needy emergency projects that need to be done under this -- under this fund and proceeded from there. That was my understanding.

CHAIRMAN ALDEN:

Legislator Crecca.

LEG. CRECCA:

Yeah, I'd like to respond on two levels. Number one is I'd like to hear from the Clerk on this. That's number one. So if he can come up, if he's still here. Number two is understand that as recent as yesterday and even I understand today -- I didn't make the call myself -- we meet for hours with the County Executive yesterday, myself and Presiding Officer Caracappa. We are continuing talks right through March 23rd. I can tell you that it's anticipated -- and I don't obviously speak to Legislators' votes, but it's anticipated that both the County Executive's position and myself as sponsor of the other bill is that on the 23rd we should and will adopt a resolution, one or the other or some hybrid or something. But we're working cooperatively. If we go beyond the 23rd, we lose some opportunities that would put the whole thing in question. My thought was right now -- you're right. There's only 500,000. That could change between now and March 23rd. And rather than hold this up, that's why I'm making a motion to discharge without recommendation. I am certainly cognizant of the fact of limited funds we have in pay-as-you-go, and I certainly wouldn't make a motion to approve this at this time, but it leave some options for us at the General Meeting that it wouldn't otherwise.

LEG. LINDSAY:

Could I just respond, if you don't mind.

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. LINDSAY:

I honestly hope that one bill can be can be adopted. And if some way more money could be squeezed into the 5-25-5 accounts, it's certainly a better way to go budgeting, you know, into the new year. But assuming that it doesn't Legislator Crecca, I really feel very strongly that we should try to identify everything that we're trying to do with this pay-as-you-go and do some kind of prioritization on what should be paid with the limited amount of money that we have. And with the remainder, you know, the projects that we need to do I guess we'll have to bond, which we really want to try to avoid. But I think we all have to exercise some fiscal discipline with the limited resources we have.

CHAIRMAN ALDEN:

Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

Piggy backing on that particular comment with regard being fiscally prudent and practicing fiscal discipline, it would make sense to me when we on the 23rd -- when we are discussing on the 23rd some fairly complex portions of the budget agreement, which I hope we will arrive at by then, to add decision that have to be made based on the use of the pay-as-you-go at that point in time as well, I believe would be very burdensome to Legislators to discuss all of this in one day. I agree with Legislator Lindsay that we need to prioritize how we're going to spend our limited 5-25-5 monies. If we're going to create a priority order, then I believe it does a disservice to this particular resolution to throw it out there before we are already to look at how we are going to expend that money. So again, I ask that you support the tabling motion so that we can have an opportunity to have the budget agreement in place, have a priority before us on how we're going to spend that very limited amount of money in the 5-25-5 and then look at this particular bill on its merits with regard to that prioritization.

LEG. CRECCA:

I'd just like to add though at this time also, it's just that -- and I certainly understand your point, and it's a point well taken, and -- but this is, like, the first time I'm getting a request. It sounds like there was desire to keep more money back in pay-as-you-go. With the exception of two other Legislators, I have -- I never got a request. I asked for input from all 18 Legislators on what, if any changes they would recommend or what input they had on our 12-28. And this is the first I'm getting on it. We're now beyond the amendment period, so, you know, I guess my --

LEG. VILORIA-FISHER:

I don't see this as a request, I'm just referring to this particular resolution.

LEG. CRECCA:

Okay.

CHAIRMAN ALDEN:

Ed Romaine.

LEG. CRECCA:

I'd ask he come up to explain the bill and the reasoning for it.

MR. ROMAINE:

Very briefly, this bill based on Resolution 809 of 1997, which simply says that the money collected in one year from the title examiners will be expended the following year for a whole range of activities, including book repairs, public access, things of that nature. This is a dedicated fund, it's not whether this should be a priority or not. I can understand how other things can be a greater priority. This is a legal obligation of this government to set this fund aside, and the Budget Office is fully aware of this.

LEG. CRECCA:

If I can interrupt, I apologize, just so we can clear this up, is this -- but this goes -- this set aside money goes into the pay-as-you-go money or it goes into it's own separate budget line?

MR. SPERO:

It's being taken from the pay-as-you-go account and being placed in the County Clerk's budget in the office equipment account.

LEG. CRECCA:

Where do the revenues go that we collect?

MR. SPERO:

Into the General Fund.

LEG. CRECCA:

Into what line?

MR. SPERO:

I think we have a separate revenue code that -- for the tile search revenue we receive.

MR. ROMAIN:

This is the code the Budget Office gave us when I spoke to Allen Kovesdy. But this is dedicated money, this is a legal obligation of this County to collect it in one year and expend it in the following year.

LEG. CRECCA:

I understand that, that's why I originally moved to approve the bill. My question to Budget Review is we budgeted \$19 million in pay-as-you-go, correct?

MR. SPERO:

Correct.

LEG. CRECCA:

In the 2004 budget. Was part of that 19 million the revenue generated from 2003?

MR. SPERO:

No, it was not. The 19 million relates to specific Capital Projects, which in this case, the pay-as-you-go is just used as the offset to fund the transfer of 176,000 to the County Clerk's budget.

LEG. CRECCA:

Where is the 176?

MR. SPERO:

I think in the '05 budget, we should handle this differently, it should just be included in the adopted budget and not have to search for offsets during the year to make transfers.

MR. ROMAIN:

This is the account number, I'm going to say this again, that the Budget Office gave us. It this account number creates problems, we don't care what account it comes from. But Resolution 809 of 1997 says the money collected in one year will be made available in the next year.

LEG. CRECCA:

I'm aware of that. I just don't know why it's coming out of -- if the money didn't go into pay-as-you-go, it shouldn't be coming out of pay-as-you-go.

MR. ROMAIN:

Because the Budget Office resisted setting up a trust in agency account that would allow it to roll over into a separate and segregated account.

LEG. CRECCA:

When you say the Budget Office, you mean the Budget Office or Budget Review?

MR. ROMAIN:

Budget Office.

LEG. CRECCA:

Then I guess the question is to Ken.

MR. KNAPPE:

Without speaking specifically on that, in all the years past, we have used pay-as-you-go as an offset for this. It's difficult to put into the Adopted Operating Budget, because you don't know exactly how much revenue has been received by the Clerk's Office. When both the Executive and Legislature's working on budget in the September, October November month's, he still has revenue coming in November, December and probably some accruals as well. So we have used this in the past.

The resolution itself and the merits and how it's related to Resolution 809 of '97, the Budget Office doesn't have a problem with at this time. It's just the fact that this offset -- and there's even sufficient amount of money in the pay-as-you-go as of right now for this. I was just bringing to the Legislature's attention that once -- if Legislator O'Leary's bill passes on March 23rd with the West Nile, and if this bill passes out of committee and passes in front the full Legislature, we've pretty much exhausted our \$500,000 that the Legislature and the County Executive are anticipating leaving in the pay-as-you-go fund, depending on whose budget bill passes on the 23rd, if any.

So I just wanted to raise it as a question and really basically to put it on the Legislature's radar

that the pay-as-you-go money if both bills do pass, will be close to being exhausted.

LEG. CRECCA:

And to my colleagues, I would recommend that we do move this out to the floor. It is an obligation that we have to transfer this money. And while between now and the General Meeting, I will certainly as Budget and Finance Chair try to find if there is a more appropriate offset. I'll ask for a CN if necessary, Ken. And I'd ask you and I'd ask Budget Review to look at that to see if there is a more appropriate offset that this should be coming from given the fact that it was never really the intention of the Legislature when they adopted the budget and \$19 million in pay-as-you-go that this be taken out of pay-as-you-go. That's my concern here, Ed.

MR. ROMAIN:

I understand fully.

LEG. CRECCA:

It's just that we -- you know, the budget document is a policy document. And when we pass a policy document that \$19 million was intended to pay for pay-as-you-go items, not to fund Resolution 809 of 1997, which was a totally different concept and should be some place in the Clerk's Office or in this case, you know, wherever the money went, part of the General Fund. I understand, Ken. I'm not blaming you.

MR. KNAPPE:

No. I understand.

LEG. CRECCA:

It's really not the appropriate place.

MR. KNAPPE:

In the past, this resolution has been shown on the pay-as-you-go funding list that Budget Review and the Budget Office signed off on in the past. Without speaking specifically about what the deliberations were of the nineteen eight in the pay-as-you-go, the 19.8 million of what was included or not included, that's a debate I couldn't answer.

LEG. CRECCA:

And ultimately, if we have to keep it in pay-as-you-go, we still have the obligation to carry this

out or to change the 1997 law, one or the other. So that's why I'm recommending to my colleagues, let's discharge it out to the floor -- we're not approving it -- and let me see what I can do between now and then. I'll work with the Clerk and the Budget Office and Budget Review.

CHAIRMAN ALDEN:

Thank you, Legislator Crecca. Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

Thank you, Mr. Chairman. Mr. Knappe, with regard to the timeliness of this particular resolution, if it were not to pass on the 23rd, would it have a negative impact on the Clerk's Office in meeting its obligations?

MR. KNAPPE:

That's really an unfair question for me to answer. I don't know exactly the specifics of the Clerk's operation.

LEG. VILORIA-FISHER:

Mr. Roamine, would it have a negative impact on your operations if it were not to be passed on the 23rd of March?

MR. ROMAINE:

It would not have a disastrous affect if it wasn't passed on March 23rd, but it is a legal obligation. We have made accounts in our budget for it. There has never been a problem in the past. And the only reason we chose the account number was we asked the Budget Office for the account number. We don't care where the money comes from, but we have plans for all of that money that we're waiting to execute.

LEG. VILORIA-FISHER:

That's been made very, very clear. Thank you. I would, however, still ask that we table it one cycle. It's not going to have a negative impact to table it for one cycle and have before us a clearer picture of our budget before we look at all of the offset and perhaps find another offset for this if we have to. The pay-as-you-go may not be the appropriate place. It's been made abundantly clear that we have an obligation to meet this financial issue.

CHAIRMAN ALDEN:

We have a motion to table by Legislator Vilorio-Fisher. We have a second to that motion by Legislator Lindsay. All those in favor? Opposed?

CHAIRMAN ALDEN:

Opposed.

LEG. NOWICK:

Opposed.

LEG. O'LEARY:

Opposed.

LEG. CRECCA:

Opposed.

CHAIRMAN ALDEN:

That motion fails. We have a motion to discharge by Legislator Crecca, seconded by Legislator O'Leary. All those in favor to discharge? Opposed?

LEG. VILORIA-FISHER:

Opposed.

CHAIRMAN ALDEN:

Legislator Vilorio-Fisher. Just Legislator Vilorio-Fisher's opposed to it. That's **DISCHARGED WITHOUT RECOMMENDATION. (VOTE:5-1-0-0)** (Opposed; Legis. Vilorio-Fisher)

Except, I'm going to add a little bit to that. I'm not going to support it if it's going to take money out of the pay-as-you-go. And I hope that another line item can be identified that we can make this a very appropriate and show exactly what we're doing with that money, because it is an obligation, but it should not come out of the pay-as-you-go.

MR. KNAPPE:

If I could just state one thing on the record so I wasn't misconstrued at all, that I know that Legislator Crecca spoke of a Certificate of Necessity, I can't guarantee that, of course, on behalf of the County Exec's Office, but I'll definitely inform them that if we are looking for another

offset that perhaps we can work together.

CHAIRMAN ALDEN:

Thanks a lot.

1137-2004. Adopting Local Law No -- 2004, a Local Law to amend County Consumer Protection Policy for recipients of gift certificates and/or gift cards. (LINDSAY)

CHAIRMAN ALDEN:

That was recessed. So this has to -- actually, we can't even vote on it yet.

1143-2004. Sale of County owned real estate pursuant to Local Law 13-1976 Randall J. Feinberg. (COUNTY EXEC)

MR. BURKE:

Direct sale. The appraisal on the property was for 6000. The winning bid for 45,000.

CHAIRMAN ALDEN:

Good job. Legislator O'Leary.

LEG. O'LEARY:

Perhaps I misheard him. Did you say 6000 and the winning bid was 45,000?

MR. BURKE:

Yes. Yes, it was.

LEG. O'LEARY:

It was appraised at 6000.

MR. BURKE:

Appraised at 6000. Two bidders bid it up to a value of 45,000.

CHAIRMAN ALDEN:

Motion by Legislator O'Leary, seconded by Legislator Crecca. All those in favor? Opposed?

APPROVED. (VOTE:6-0-0-0)

1144-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property

acquired under Section 46 of the Suffolk County Tax Act, Eric Finger. (COUNTY EXEC)

MR. BURKE

As of right, normal redemption.

CHAIRMAN ALDEN:

Motion by Legislator Vilorio-Fisher, seconded by Legislator Lindsay. All those in favor?
Opposed? That's **APPROVED. (VOTE:6-0-0-0).**

1145-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act, Carrie L. Wilson. (COUNTY EXEC)

MR. BURKE:

As of right redemption.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:6-0-0-0).**

1146-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act, Elmer Frye and Mae Frye. (COUNTY EXEC)

MR. BURKE:

Also, as of right redemption.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:6-0-0-0).**

1147-2004. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Southampton. (COUNTY EXEC)

MR. BURKE:

This was a federal order on this that we could not take the action to actually take the property. The Treasurer's office was not aware of it at the time, so we have to abandon the Treasurer's

deed on this property.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:6-0-0-0).**

1167-2004. To approve the lease of vehicles in the Suffolk County Department of Labor in compliance with Local Law 20-2003. (COUNTY EXEC)

LEG. O'LEARY:

Motion to approve.

CHAIRMAN ALDEN:

Motion by Legislator O'Leary, seconded by myself. All those in favor? Opposed? **APPROVED. (VOTE:6-0-0-0) .**

LEG. CRECCA:

Mr. Chair, on 1137, I just had that down as a motion to table by Legislator Fisher; is that correct?

CHAIRMAN ALDEN:

1137, the public hearing wasn't closed.

LEG. VILORIA-FISHER:

We have to table it.

LEG. CRECCA:

Yeah, but was there a motion to table and a second by Legislator Lindsay, correct? The Clerk didn't get it, that's why I just wanted to make sure.

CHAIRMAN ALDEN:

Actually, I skipped over it, because I didn't think it was appropriate to have it on the agenda. But we'll do it.

CHAIRMAN ALDEN:

So we have a motion by Legislator Viloria-Fisher, seconded by Legislator Lindsay. All those in favor? Opposed? **1137 is TABLED. (VOTE:6-0-0-0).**

1168-2004. Accepting and appropriating 100% grant funds from the New York State Department of Labor to fund the continuation of "Project Jumpstart" and transportation services provided by the Suffolk County Department of Labor. (COUNTY EXEC)

CHAIRMAN ALDEN:

Motion by Legislator Lindsay, seconded by myself. All those in favor? Opposed? **APPROVED. (VOTE:6-0-0-0).**

1169-2004. Authorizing the transfer of certain property to Suffolk County Department of Public Works. (COUNTY EXEC)

LEG. O'LEARY:

Explanation. Explanation on that.

CHAIRMAN ALDEN:

Jim, do you know what property this is 1169? Are these the computers?

MR. SPERO:

This is a piece of real property in the Town of Babylon.

MS. KNAPP:

This is a County Executive bill. But my notes indicate that it's a parcel in the Town of Babylon that's being transferred to DPW for highway purposes, and it's located on East Neck Road in West Babylon.

LEG. LINDSAY:

Make a motion.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN ALDEN:

We're on the receiving end of this. Motion by Legislator Lindsay, seconded by Legislator Viloria-Fisher. All in favor? Opposed? **APPROVED. (VOTE:6-0-0-0).**

1173-2004. Sale of County owned real estate pursuant to Section 72-h of the General Municipal Law (West Islip Union Free School District) (COUNTY EXEC)

MR. BURKE:

It's a request of the West Islip School District for a small piece of property for additional access to their playing fields at the elementary school in their district.

LEG. VILORIA-FISHER:

Motion.

CHAIRMAN ALDEN:

Motion by Legislator Viloría-Fisher, seconded by Legislator O'Leary. All those in favor? Opposed? **APPROVED. (VOTE:6-0-0-0).**

1175-2004. Authorizing a petition to the Town of Smithtown for a certificate of abandonment of a portion of Highland Road (paper street) in the San Remo section of Kings Park, Smithtown. (COUNTY EXEC)

MR. BURKE:

Road abandonment. We'll be receiving half the road for no investment whatsoever from the County, and the property will be added to the Arthur Kunz County Park.

CHAIRMAN ALDEN:

It's going into the County Park, though, right?

MR. BURKE:

Yes, it is.

CHAIRMAN ALDEN:

And there's no improvements on it at all?

MR. BURKE:

No. This is just a paper street on an old filed map. Motion by Legislator Nowick, seconded by Legislator Crecca. All those in favor? Opposed? **APPROVED. (VOTE:6-0-0-0).**

1179-2004. Authorizing the lease of premises to the United States Department of Agriculture. (COUNTY EXEC)

MS. BRADDISH:

Basia Braddish, County Attorney's office. Just to give you a little background on this lease. This is in the Cornell Building, I believe. When it was designed, the building did include space for the USDA, they do run operations. The Space Steering Committee approved it with a rent, and this lease took a while because the USDA wasn't sure they liked our rent so they did RFP it. They got no other responses, so they are now back with us, and they are prepared to move it. It is a - the rent survey is within reason. It's a 2% escalation, and it does include one five year option to renew.

CHAIRMAN ALDEN:

This is for improved property?

MS. BRADDISH:

Believe it or not, we're the landlord. This is the USDA coming into the Cornell Building for some office space.

CHAIRMAN ALDEN:

Here's the problem -- well, you actually went through Space Management, right?

MS. BRADDISH:

Yes, it did.

CHAIRMAN ALDEN:

So we don't need --

MS. BRADDISH:

It was approved by the Space Steering Committee.

CHAIRMAN ALDEN:

This is Legislator Caracciolo's building -- I mean, where his office is located.

LEG. O'LEARY:

Motion to approve.

LEG. CRECCA:

Second.

CHAIRMAN ALDEN:

Motion by Legislator O'Leary, seconded by Legislator Crecca. All in favor? Opposed?

APPROVED. (VOTE:6-0-0-0).

1180-2004. Authorizing the extension of a lease of premises located at 3085 Veterans Memorial Highway, Ronkonkoma, New York for the Department of Social Services. (COUNTY EXEC)

MS. BRADDISH:

This is the Mary Gordon Building. It's a 20 year extension. It's a unique lease in that what it is going to do is it renews one lease, which is currently expired and -- which is for 50,000 square feet roughly, 50,500. In April, '06, there's an additional 31,000 square feet of space in the same building that we lease that's coming due. This lease will assume -- will incorporate that property when that lease, the 30,000 lease expires. It's a very reasonable lease. The rental amount is well within the rental survey. It is a 1.75 escalation, which is extremely reasonable. The landlord has done some work already. There is a provision for some office space that's going to be built out. The landlord is represented by Mr. {Getland} who did come down today in case you had any questions. And I just wanted to bring to the attention of the committee too that Mr. {Getland} and I had the pleasure of working on establishing a new clause that you'll be seeing in all the leases regarding air quality and how that air quality issues would be handled.

CHAIRMAN ALDEN:

what's the -- well, there's two things I just want to touch on. One of the unique things about Social Services is that we're reimbursed if we lease and we're not if we own; is that correct?

MS. BRADDISH:

Right.

CHAIRMAN ALDEN:

All right. So it's financially beneficial to us to lease property. Secondly, what's the square footage -- the charge per square footage on this?

MS. BRADDISH:

It's 16 -- I think it starts at --

CHAIRMAN ALDEN:

you said that's Well within the range of --

MS. BRADDISH:

I'm sorry, 1440 per square foot.

CHAIRMAN ALDEN:

And that's well within the range.

MS. BRADDISH:

Yes..

CHAIRMAN ALDEN:

Any other questions?

LEG. VILORIA-FISHER:

Where's Guldi when you need him. You know, when you were going over these leases, he has always been the one.

CHAIRMAN ALDEN:

So we have a motion by Legislator Lindsay -- motion by Legislator O'Leary, seconded by Legislator Lindsay. All those in favor? Opposed? 1180 stands **APPROVED. (VOTE:6-0-0-0)**

1181-2004. Establishing County policy on use of County Clerk's Office for title examination purposes. (PRESIDING OFFICER)

LEG. CRECCA:

Motion.

LEG. VILORIA-FISHER:

Motion to table.

CHAIRMAN ALDEN:

Motion to table by Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Again, based on issues that were problematic in the legislation.

CHAIRMAN ALDEN:

Is there a second?

LEG. LINDSAY:

I'm satisfied with the legislation as long as the changes are made to the --

CHAIRMAN ALDEN:

The motion to table fails for a lack of a second. There's a motion by Legislator O'Leary to approve, seconded by Legislator Crecca with the scribe's errors corrected. All those in favor? Opposed? On the motion, Legislator Vioria-Fisher.

LEG. VILORIA-FISHER:

I wanted to reiterate that the first resolve should be called the first resolved. I just wanted to reiterate the errors that were there, that it be not the completion of the -- of the work, but rather the initiation of the work, the commencement of the work. I'm still concerned about a couple of the things, regarding the cost of the temporary housing. But that doesn't come in this bill, okay.

CHAIRMAN ALDEN:

Suggestion to the Clerk, you know, in the future, if you want a professional to review it for you, Legislator Vioria-Fisher is a professional and does get all that stuff right and can correct the dictation and everything else too. We appreciate that.

LEG. VILORIA-FISHER:

I thought you were going to suggest our Counsel.

CHAIRMAN ALDEN:

You did a good job, actually. Legislator Crecca.

LEG. CRECCA:

I just want to know, because I thought all the concerns were addressed by this committee. So are there still concerns?

CHAIRMAN ALDEN:

No. There's a numbering that's going to be changed.

LEG. CRECCA:

I know that, but Legislator Fisher, I think wanted the bill tabled.

And maybe she's changed her position.

LEG. VILORIA-FISHER:

I was concerned about the County carrying costs for the temporary housing.

LEG. CRECCA:

This doesn't involve temporary housing.

LEG. VILORIA-FISHER:

And that I wanted to make sure that this didn't imply that we would. I was also concerned about the second whereas, which I thought was redundant, because Mr. Romaine had said that it -- had represented that that's part of our charter actually. But basically that's -- that's really just procedural -- those were just procedural questions with regard to the bill and how it was put together.

CHAIRMAN ALDEN:

Okay. We have a motion to approve, we have a second to approve. All those in favor?

Opposed? 1181 is so carried. **APPROVED. (VOTE:6-0-0-0)**

1193-2004. Establishing a fair and affordable sick leave policy for exempt employees. (BINDER)

LEG. O'LEARY:

Explanation.

MS. KNAPP:

What 1993 does is basically it takes the County Executive's proposal that exempts get paid for one out of four six days and it makes it applicable only to exempts hired after January 1st, 2004.

CHAIRMAN ALDEN:

I'm going to make a motion to table.

LEG. O'LEARY:

Second.

CHAIRMAN ALDEN:

Seconded by Legislator O'Leary.

LEG. CRECCA:

On the motion.

CHAIRMAN ALDEN:

On the motion, Legislator Crecca.

LEG. CRECCA:

I think this might be a good bill to move forward with in that it certainly addressed some of the concerns that were raised by the County Executive and at the same time, it seems to be a fair policy. So I would recommend that we send it to floor for debate by the Legislature.

CHAIRMAN ALDEN:

Legislator O'Leary.

LEG. O'LEARY:

It's a bill that creates -- that will create in the future two different classes of same types of employees with respect to level of benefits, Legislator Crecca. It would have one group of employees exempts, the one out of four, and the current group, one out of two.

LEG. CRECCA:

Maybe -- I withdraw my motion. Well, I didn't make a motion, but I'll support the tabling motion, but this is something we should look at and speak to the sponsor more about.

LEG. O'LEARY:

I would second the tabling motion.

CHAIRMAN ALDEN:

I think you made it and I seconded it. So we have a motion and a second, all those in favor? Opposed? 1193 stands **TABLED. (VOTE:6-0-0-0).**

1194-2004. Adopting Local Law No -- 2004, a Local Law to further strengthen the County Code of Ethics. (BINDER)

LEG. CRECCA:

Motion to approve.

MS. BIZZARRO:

Excuse me, I'm here from the County Attorney's Office.

CHAIRMAN ALDEN:

Here comes Lynne Bizzarro from the County Attorney's Office.

MS. BIZZARRO:

How are you. I just wanted to bring to the Legislators' -- just to make you aware that this change or this amendment affects the Legislators as well, In light of the fact that you are full time employees. I just wanted to make you aware of that.

CHAIRMAN ALDEN:

and just so everyone understands, this would prohibit anybody from having an outside either law practice or conducting almost any other type of business.

LEG. NOWICK:

I have a question.

CHAIRMAN ALDEN:

Legislator Nowick.

LEG. NOWICK:

This is just for exempt employees, not for elected employees.

CHAIRMAN ALDEN:

No. It covers elected.

LEG. CRECCA:

No, it doesn't cover elected. Where does it cover elected in this statute? We're not exempt

employees. We're not employees and we're not appointed, we're elected officials, which is a different category. I could be wrong. I think she's incorrect.

MS. BIZZARRO:

It says no full time, paid appointed, exempt, officer or employee of the County of Suffolk shall be employed as an attorney providing legal services to a client.

LEG. CRECCA:

And elected officials are not full time employees of the County. We should be full time.

CHAIRMAN ALDEN:

We should be paid like we're full time, right?

MS. BIZZARRO:

Page three of the bill, E, that's the amendment.

LEG. CRECCA:

I mean, if that's the case, then there's been a lot of Legislators in the past and elected officials who have violated other laws. So I don't know where -- I know it says full time employees in it, but I'm not sure where you are getting the facts that we are full time employees as elected officials.

MS. BIZZARRO:

Section 726, legislative determination for computing benefits indicated standard work week for a County Legislature consists of approximately 40 hours of a seven day week. The standard of number of hours which constitutes a full workday for a County Legislator consists of at least six hours per day indicating that you are a full time employee. I'm just raising that as a concern.

LEG. CRECCA:

I appreciate that. I'm not arguing with you, I just -- it's the first time I've ever heard -- I've always heard that we're part time employees. That's been the justification for -- many times for our salaries not going up. I'm just saying. This is the first time I'm hearing that we're being recognized as full time employees. It might be a good thing, I'm not knocking it.

MS. BIZZARRO:

It's the resolution's rules and regulations, Section 726, one through three.

CHAIRMAN ALDEN:

All right. We have a couple of Legislators who want to ask questions.

LEG. NOWICK:

So I'm understanding that it's Legislators as well.

CHAIRMAN ALDEN:

There's an argument as far as who it applies to..

MS. BIZZARRO:

I'm raising it. Just take a look at it closely.

CHAIRMAN ALDEN:

Mea Knapp.

MS. KNAPP:

I don't know if you have the same copy. The new paragraph E starts no full time paid appointed, exempt, officer or employee. Legislators are not appointed, they are elected.

CHAIRMAN ALDEN:

Do we have a motion.

LEG. O'LEARY:

I have a question.

LEG. CRECCA:

I'd like the County Attorney's Office to answer if that changes their opinion on it.

CHAIRMAN ALDEN:

I'll make a motion to table.

LEG. LINDSAY:

I'll second that.

MS. BIZZARRO:

I'd like to look at this closer.

CHAIRMAN ALDEN:

Seconded by Legislator Lindsay.

MS. BIZZARRO:

The "or" is going to be the determining factor here. I'd like to take another look at it.

CHAIRMAN ALDEN:

I have a motion to table, I have second. All those in favor? Opposed?

LEG. CRECCA:

Opposed.

CHAIRMAN ALDEN:

Legislator Crecca is opposed. **TABLED. (VOTE:5-1-0-0).**

(Legis. Crecca - opposed)

1195-2004. Adopting Local Law No -- 2004, a Local Law to restore full public financial disclosure, Suffolk County Ethics Reform.

(COUNTY EXEC)

CHAIRMAN ALDEN:

This is a County Executive's bill. 1195.

LEG. CRECCA:

Motion to table.

LEG. O'LEARY:

Second.

LEG. LINDSAY:

Can we get an explanation before we --

CHAIRMAN ALDEN:

We have a motion to table and a second. It's a County Executive bill, did you want to speak to it?

MS. BIZZARRO:

I'm sorry. No, I don't.

CHAIRMAN ALDEN:

Motion to table, second. All those in favor? Opposed?

LEG. LINDSAY:

So nobody can explain the bill?

CHAIRMAN ALDEN:

Nobody is here to explain.

MS. BIZZARRO:

I'm sorry, no one asked me to take a look at this bill.

LEG. VILORIA-FISHER:

Isn't this the bill that is just asking that in our financial disclosure that everything be disclosed rather than have the ability not to show the numbers in the financial disclosure? Isn't that what this bill is referring to?

CHAIRMAN ALDEN:

I kind of would like --

LEG. VILORIA-FISHER:

Caracciolo, Schneiderman, Bishop Cooper are cosponsors of this.

CHAIRMAN ALDEN:

County Executive bill, right?

LEG. VILORIA-FISHER:

Yes.

CHAIRMAN ALDEN:

Do we have anybody from the County Executive's Office that can offer an explanation or an legal

explanation of it?

LEG. VILORIA-FISHER:

Ivan is coming up.

CHAIRMAN ALDEN:

Ivan, come on up. Good morning, Ivan.

MR. YOUNG:

Good morning, Legislator. This County Executive bill actually reforms the financial disclosures in which right now currently financial disclosure are kept confidential and plenty of information are redacted from the information when it is -- when a Freedom of Information Form is filed. This actually just makes it more public of the information that's submitted on financial disclosures.

CHAIRMAN ALDEN:

Legislator Nowick.

LEG. NOWICK:

Just to clarify something, the financial disclosures that are sent to the Ethics Committee in May, I think it is, right, is that what we're talking about?

MR. YOUNG:

Yes.

LEG. NOWICK:

So what you are saying now is that -- maybe I'm misunderstanding. Does that becomes a public document?

MR. YOUNG:

It's a public document now, but when someone makes a request for Freedom of Information for certain information on the financial disclosure, a lot of the information are actually redacted so you don't get the full disclosure that the person is requesting.

LEG. NOWICK:

For example, what is redacted? Is it pro forma that certain information is redacted?

MR. YOUNG:

Certain information are redacted. I don't exactly know is what is redacted.

LEG. CRECCA:

I can tell you what's redacted.

MS. BIZZARRO:

It's value, I know

LEG. CRECCA:

It's value. It doesn't say -- so if a Legislator or another elected official or someone who's required to report says where they -- what stocks they hold, for example, the stocks that they hold are reported, but the amounts and the range is generally or the amount is blocked out, correct? I don't even know if the range is, but it's certainly the -- it's only the amount. The whole idea behind that is to still allow some privacy to people as to how much they own. The question is when it comes up as an ethics question, it is a question of not how much they own, but if they own a certain stock or a certain lease or if they're -- where their spouse or other close relative may work. All of those things are still open to the public.

And if the person can show a reason why they need to know the amount that it's relevant, then I believe our disclosure law that currently exist allows for the disclosure of that information. I'm not sure about that. But the bottom line is the information that's needed to determine is there is ethical question or a conflict is there and is available upon request. So I'm not really sure -- other than this being some nice window dressing, I'm really not sure what this bill seeks to accomplish.

You know, I don't mean that in a stifling way. If there's a justification as to why that information is somehow relevant, I would ask you to share that with us. But again, I really think the bill is more about saying -- calling something, you know, ethic disclosure reform, when in fact, it really doesn't provide any additional information. Were you done, Legislator Nowick?

LEG. NOWICK:

I wanted that explanation. And I think -- I think that right now the bill is out there, and we're looking at it as elected officials and we're looking at it as a code of ethics issue. But on the other hand, it is an issue of privacy, and what I'm seeing -- I can understand reporting everything you

own, but once you put values in, that means that anybody can go into these, anybody, and so to speak, know the net worth. It not always everybody's business. It may be public, certainly everything a person owns, but values I'm a little concerned with. Thank you, Legislator Crecca.

LEG. CRECCA:

Legislator Vilorio-Fisher, did you have any --

LEG. VILORIA-FISHER:

I did need you to further explanation, but we have Ivan up here, Mr. Young up here with the explanation.

LEG. NOWICK:

I'd like to table subject to call.

LEG. CRECCA:

There's a motion to table subject to call by Legislator Nowick.

LEG. LINDSAY:

Do we have a tabling motion on the floor?

LEG. CRECCA:

Yeah. I made a motion to table.

LEG. LINDSAY:

I would prefer that we table this resolution and get some more information on why this legislation is important in forwarding the ethical conduct of County employees, especially in light of, you know, there's sponsors from both sides of the aisle, the Presiding Officer is on the bill. In due deference to them, I would ask that it be tabled for further explanation. I'm still not clear exactly what this bill does and why it is so important to forward the cause of ethical conduct in the County.

LEG. CRECCA:

Legislator Nowick.

LEG. NOWICK:

I'll withdraw my table subject to call and I'll go along with the tabling motion.

LEG. CRECCA:

Motion to table by Legislator Lindsay, seconded by Legislator O'Leary. All those in favor?
Opposed? 1195 is **TABLED**. (VOTE:6-0-0-0).

1196-2004. Adopting Local Law No. 2004, a Local Law to establish criteria for Ethics Commission Appointments. (COUNTY EXEC)

CHAIRMAN ALDEN:

Ivan, you have a minute?

MR. YOUNG:

Sure.

CHAIRMAN ALDEN:

Just a quick explanation on 1196.

LEG. CRECCA:

I'm sorry. While we're waiting, can I just ask for a point of personal privilege?

CHAIRMAN ALDEN:

Legislator Crecca.

LEG. CRECCA:

Legislator Lindsay, I know you said that Legislator Caracappa was on the prior bill, just so the record's clear, his name appears on it because that's the way the County executive has been typing up his bills. It says Presiding Officer at the request of County Executive Levy or County Executive. My understanding from talking to the Presiding Officer is that he doesn't support this bill and is only on there because it was at the request of the County Executive. He has asked that his name be removed from the -- just Presiding Officer by the County Executive, the way it was always done at the Legislature. Just wanted to make it clear for the record.

CHAIRMAN ALDEN:

Ivan. Thank you.

MR. YOUNG:

This resolution simply established the criteria for the Ethics Commission in that it sets up a three member board; one appointed by the County Executive, one appointed by the Presiding Officer and one member presented by the County Legislature in the terms of each of the Commission Members and -- and actually how they conduct business, what would constitute a quorum, what to do in the event of a vacancy.

CHAIRMAN ALDEN:

Legislator Crecca.

LEG. CRECCA:

How does it differ from our current Ethics Commission? Because we do have a three member board with the appointments as you just stated. So I'm not really sure.

MR. YOUNG:

Well, the only difference is what was added -- actually deleted from H through J, in which it talks about, for example, no person shall be appointed who is an elected official.

LEG. LINDSAY:

Added requirements.

MR. YOUNG:

Added, correct. So it just adds H, I and J.

LEG. CRECCA:

Can I make a suggestion to the Chairman?

CHAIRMAN ALDEN:

Legislator Crecca.

LEG. CRECCA:

You know, with the Ethics Commission, I believe it was at the last General Meeting, there was a question regarding whether or not there really was a need for an Executive Director, because Mr.

Holownia from the Mr. County Attorney's Office was providing those services. And we left it open for further discussion. What I would recommend to the Chairman is that we make this a topic of discussion at our next meeting and have the appropriate people here, including Mr. Holownia, who's been on the Ethics Commission and get a few people down here to find out really how we want proceed with this. Because I think they're sort of interrelated to each other because they all regard the Ethics Commission. This bill may have some merit to it, and I think I'd like to have the opportunity to have the right people here to answer questions.

CHAIRMAN ALDEN:

I'm going to throw it to Lynne and Ivan. If you could get back to my office, if that's okay with you, then try to set that up on your side, then we'll schedule it and put it on as discussion.

MS. BIZZARRO:

I just wanted to let the Legislators know that John Holownia serves as Counsel to the Ethics Commission. I was unaware of that last time or I would have apprised you of that. Just to let you know, then he can let you know exactly what he does in that capacity.

CHAIRMAN ALDEN:

So for that reason we have a motion -- oh, I'm sorry. Legislator Lindsay.

LEG. LINDSAY:

I still don't understand the necessity of tabling this one, because it just appears to be, you know, just reviewing it quickly that the only change is that you can't be an elected official and you can't have some kind of business relationship with the County and be on the Ethics Commission and you can't be a spouse, your spouse can't be doing business with the county, which I would think would be things that we would adopted anyway. I mean, I don't -- can't envision us appointing someone to the Ethics Committee that's doing business with the County. But it just seems to me it's codifying something that we probably do anyway.

LEG. CRECCA:

I'll respond. I don't disagree with you, bill, I just think it might be better to handle all the ethics bills at the same time. But, you know, I'm not -- I'm looking at the bill, and I don't see anything that personally offends me. I think it's actually maybe some -- like you said, just incorporating things we do now anyway. But I just -- I think it's more appropriate to address this with the Executive Director one, and I'd like to hear -- there's also three other bills that we've already heard that we've just tabled regarding ethics changes. Obviously there's a lot of this stuff before

us. I'd rather handle them all at once and send out those that are appropriate or, you know, we may have things to amend. That was my only thinking behind it. So I'll maintain my motion to table.

CHAIRMAN ALDEN:

There's a motion to table, seconded by Legislator O'Leary. All those in favor? Opposed
TABLED. (VOTE:6-0-0-0)

**1197-2004. Adopting Local Law No -- 2004, a Local Law to amend Local Law No. 34-1987 to permit seizure of vehicles of unlicensed home improvement contractors.
(ALDEN)**

CHAIRMAN ALDEN:

I'm going to make a motion to approve, seconded by Legislator O'Leary. All those in favor? Opposed. **APPROVED. (VOTE:6-0-0-0)**

LEG. VILORIA-FISHER:

I'm sorry, Mr. Chair. I do approve of the legislation. I did want to ask Counsel, though, protections regarding our ability to seize the vehicles.

MS. KNAPP:

We had a lower court decision about two weeks ago here in Suffolk County that invalidated our DWI Seizure Law on the basis that we were not appointing neutral hearing officers. This bill simply says appoint a hearing officer practice. However, we work out the selection of hearing officers. I think that the court has taught us that it can't be somebody either from the Department or from the Police Department either. It has to be a neutral hearing officer. I don't know whether or not the procedure as to how they will appointed is already in place, but clearly it can't be a hearing officer with an interest.

LEG. VILORIA-FISHER:

Counsel, if I recall in that newspaper article, correct me if I'm wrong, I thought that part of the problem was that we didn't have enough either magistrates or state appointed judges to officiate at all those hearings. Is that part of the problem that we are facing with the seizure law?

CHAIRMAN ALDEN:

Not for us. As a matter of fact, it's real interesting because about two weeks or a week and a

half after the one lower court decided that it was invalid, there was a ruling by a Supreme Court Justice that it was valid. So it's, you know, gone all over the place. So as far as what's the controlling piece of legislation on that -- not controlling piece of legislation, but controlling judge's ruling, that still questionable. But what we have learned from the Nassau County case is, you know, it's better to air on the side of caution. So I've actually introduced legislation that would do just that, it would replaces the police as far as the hearing officers with a JHO, which would be a Judicial Hearing Officer. And we're working out some of the details with the Administrative Judge on that. This is supported by the District Attorney's office. And I would suggest that we'll probably work out the same type of arrangement where a JHO would conduct these hearings also.

LEG. VILORIA-FISHER:

On that, do we have enough of these hearing officers?

CHAIRMAN ALDEN:

Yes.

LEG. VILORIA-FISHER:

So that we don't wind up creating a backlog and have complaints regarding due process from these contractors.

CHAIRMAN ALDEN:

JHOs are traditionally retired Supreme Court Judges or County Court Judges. And they basically get certified and they're hired back as needed. So you could get them on a per diem basis, you could have them two days a week, three days a week, whatever the actual need is. And the Administrative Judge in Suffolk County has indicated that he would be able to have some room for us over in the Cohalan Building. So it's looking very, very, you know, optimistic on all those levels.

LEG. VILORIA-FISHER:

Right. Because we don't want a good idea to fail because of administrative issues.

CHAIRMAN ALDEN:

Exactly.

LEG. VILORIA-FISHER:

Thank you.

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. LINDSAY:

My question is does the legislation conform to that court ruling. Should we change it to add that -- to incorporate the court ruling from last week specifying that it will be an independent hearing officer?

CHAIRMAN ALDEN:

I think it's constitutional as drafted. The actual details though, whether it's a JHO or whether the District Attorney's office wants to, you know, move it through -- they could do it through the district Courts also. So I'm not sure how to incorporate that until I get a final word from the District Attorney's office. So we have -- that was approved.

1199-2004. Authorizing certain technical corrections to adopted Resolution No. 979-2003. (COUNTY EXEC)

CHAIRMAN ALDEN:

Legislative Counsel.

MS. KNAPP:

Probably Budget Review. It changes fund numbers in Resolution 979 of 2003.

MR. SPERO:

Resolution 979 accepted 100% grant funds for a justice department grant. It created some positions, appropriated the money. The correcting resolution would change the budget codes that the positions are created in and the funds were placed in.

LEG. LINDSAY:

Motion.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN ALDEN:

Motion by Legislator Lindsay, seconded by Legislator Viloría-Fisher. All those in favor? Opposed? **APPROVED. (VOTE:6-0-0-0).**

1213-2004. Rescinding authorization to transfer surplus computer equipment to Project LINCT. (COUNTY EXEC)

LEG. CRECCA:

Explanation on this before we get --

CHAIRMAN ALDEN:

Who should we go with, Jim or -- Jim, are you familiar with this one, no? Legislative Counsel? Ms. Bermel is stepping forward to enlighten us. Thank you.

MS. BERMEL:

Thank you. This is our resolution, the Suffolk County Department of Labor. In 2003, there was a resolution adopted, Resolution 724, which authorized the disposition of surplus computers to Project LINCT, which is one of our contract agencies. There was 68 PC's to be used, monitors -- 40 monitors that were surplus to LINCT. By the time the process was completed with the resolution adopted, Project LINCT indicate to us that they were no longer interested in accepting Pentium I's, that they would only accept Pentium II and above. Consequently we placed forward a resolution to rescind the original resolution, then we would -- we would communicate the information to DPW, who could then place the computers up for auction at the next cycle.

CHAIRMAN ALDEN:

Motion by Legislator Lindsay, seconded by Legislator Viloría-Fisher.

LEG. O'LEARY:

On the motion.

CHAIRMAN ALDEN:

Legislator O'Leary.

LEG. O'LEARY:

What does the acronym LINCT stand for?

MS. BERMEL:

It's Information Networking and Computing Technology. The L escapes me at the moment. If you give me a second, I can look through my previous papers.

LEG. O'LEARY:

LINCT is a contract agency with the County?

MS. BERMEL:

Yes.

CHAIRMAN ALDEN:

The big thing is they're not interested in second grade technology. They want to top of the line. Any other questions? Okay. So we have a motion and a second. All those in favor? Opposed?

APPROVED. (VOTE:6-0-0-0).

1222-2004. Adopting Local Law No -- 2004, a Charter Law to mitigate County liability by expanding prior written notice of defective condition requirements. (COUNTY EXEC)

LEG. NOWICK:

Explanation.

CHAIRMAN ALDEN:

Does the Deputy County Attorney want to address this?

MS. BIZZARRO:

I'm sorry. It was my understanding that it going to be tabled for a public hearing. I'm going to be making a presentation at the public hearing. I have some graphs, I'm just starting to get the information.

CHAIRMAN ALDEN:

Motion by myself, seconded by Viloría-Fisher to table for a public hearing. All those in favor?

Opposed? **TABLED. (VOTE:6-0-0-0)**

And you want the public hearing where?

MS. BIZZARRO:

Since it's the County Executive, I imagine in front of the entire Legislature.

CHAIRMAN ALDEN:

So we'll table that to --

LEG. CRECCA:

Has it been scheduled already, the public hearing?

MS. BIZZARRO:

I believe it has.

CHAIRMAN ALDEN:

Okay. Good.

1223-2004. Adopting Local Law No -- 2004, a Charter Law to require the adoption of a reapportionment plan in a timely manner. (MONTANO)

LEG. VILORIA-FISHER:

Motion to table for a public hearing.

CHAIRMAN ALDEN:

Seconded by myself. All those in favor? Opposed? **TABLED** for a public hearing. **(VOTE:6-0-0-0).**

SENSE RESOLUTION

9-2004. Memorializing resolution requesting State of New York to authorize income tax check-off system for public financing of Suffolk County election campaigns. (COOPER)

LEG. VILORIA-FISHER:

Motion.

CHAIRMAN ALDEN:

Motion by Legislator Vloria-Fisher.

LEG. LINDSAY:

I'll second.

LEG. CRECCA:

Motion to table subject to call.

LEG. O'LEARY:

Second on it.

CHAIRMAN ALDEN:

Motion to table to subject to call, which takes precedence. All those in favor? Opposed?

LEG. VILORIA-FISHER:

Opposed.

LEG. LINDSAY:

Opposed.

CHAIRMAN ALDEN:

Legislator Lindsay and Vloria-Fisher are opposed. **TABLED SUBJECT TO CALL. (VOTE:4-2-0-0) (Opposed; Legis. Lindsay and Vloria-Fisher)**

LEG. CRECCA:

Mr. Chairman, I don't know if you're there, but I have a motion on one of the tabled subject to call.

CHAIRMAN ALDEN:

We have a motion by Legislator Crecca to table --

LEG. CRECCA:

To recall IR 1086 of 2004 and table it.

1086-2004. Adopting Local Law No -- 2004, a Charter Law to create the Real estate Acquisition Anti-Corruption Reform Act. (BINDER)

CHAIRMAN ALDEN:

I'll second that motion. All in favor? Opposed? 1086 has now been recalled before us, and it's been **TABLED. (VOTE:6-0-0-0)**.

All right. We have an Executive Session that we have to into.

LEG. VILORIA-FISHER:

I just want to go back and put the items on the Consent Calender.

CHAIRMAN ALDEN:

Motion for the Consent Calender Legislator Viloría -- Fisher. We'll go through, and we'll give some numbers.

LEG. VILORIA-FISHER:

I believe beginning with --

CHAIRMAN ALDEN:

You want to start with 1090? That's a 72-h. I'll just run through them and then you want to add anything to it, I'll do it. So the motion for the Consent Calender is 1090, 1098, 1104, 11 --

LEG. VILORIA-FISHER:

I don't think we should put 1098 on the Consent Calender. Just so people can see it more clearly.

CHAIRMAN ALDEN:

Okay. So remove 1098. So so far we've get **1090, 1104, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1143, 1144, 1145, 1146, 1147** -- can we accept grant money on the -- okay -- **1168, 1169, 1173, 1175**.

LEG. CRECCA:

On 1173, I mean, I think we can do anything on the Consent Calender we can do with the

regular calender. Is the transfer of property 72-h, is that okay on the Consent Calender? I'm going to object to that one. I'm going to object to 1169 and --

CHAIRMAN ALDEN:

Okay. We'll take 1169 and 1173 off. And I think that's really all we can do on the Consent.

LEG. CRECCA:

Actually, can we 1199? Do you have that one on there?

CHAIRMAN ALDEN:

1199 is a technical correction, yes. Put that on. All right. Donna, after a couple of weeks and you get through that, maybe you could just prepare those numbers for us. I would appreciate that.

LEG. VILORIA-FISHER:

We didn't call the vote on that.

CHAIRMAN ALDEN:

All those in favor? Opposed? **PLACED ON THE CONSENT CALENDER. (VOTE:6-0-0-0)**

MS. JULIUS:

Who was the second?

CHAIRMAN ALDEN:

Who made the motion?

LEG. VILORIA-FISHER:

I made the motion.

CHAIRMAN ALDEN:

We'll give Legislator Crecca the credit for it. So that passes. Those are on the Consent Calender. Now we have an Executive Session, and what I think we'll do with the Executive Session is we'll take it into the conference room. And we're going to authorize any Legislators that are here, representatives of the County Attorney's Office, representatives of -- who else has to be in there? And the other necessary and indispensable people. And Donna, what I'll do is I'll

call down, we just have to come down and adjourn after the Executive Session. Thank you.

EXECUTIVE SESSION WAS HELD FROM 11:50 A.M. UNTIL 12:15 P.M

CHAIRMAN ALDEN:

Okay. It's 12:15 p.m. We are out of Executive Session now, we're back into the regular committee meeting. There was a consensus to have the Chairman sign the approval letters for settlement of three cases. Now, motion by Legislator O'Leary, seconded by Legislator Vilorio-Fisher to adjourn. All in favor? Opposed? The committee stands adjourned. Thank you.

(* THE MEETING WAS ADJOURNED AT 12:15 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY